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U.S. Department of Health, Education, and Welfare  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27751-27850

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent, and (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere or, in one case, after a trial by a jury, upon a verdict of not guilty against one defendant and of guilty against two. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *July 24, 1962.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 27751-27850

*Adulteration*, Section 402(a) (1), the article contained a deleterious substance which might render it injurious to health; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare or because the quantity of the pesticide chemical in or on the raw agricultural commodity was not within the limits of a tolerance prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption, or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard and (2) its label failed to bear the name of the food specified in the definition and standard, and, as required by regulations, the common names of certain optional ingredients present in such food; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its



vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained an artificial flavoring or a chemical preservative, and failed to bear labeling stating that fact.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**27751. Cookies, vanilla wafers, and fig bars.** (F.D.C. No. 46004. S. Nos. 1-538/9 R, 1-541 R, 58-080 R.)

**INFORMATION FILED:** 8-11-61, M. Dist. Ga., against Carr-Consolidated Biscuit Co., a corporation, Valdosta, Ga., Crackin' Good Bakers, Inc., a corporation, Valdosta, Ga., Randolph R. Buchwald, general manager, and George F. Resch, assistant general manager.

**SHIPPED:** Between 11-28-60 and 3-3-61, from Georgia to Florida, South Carolina, and Alabama.

**LABEL IN PART:** (Pkg.) "CRACKIN' GOOD family creme sandwich 2 Pounds Net Wt. The Crackin' Good Bakers Carr-Consolidated Biscuit Co. Valdosta, Georgia"; "VANILLA WAFERS 29¢ Net Weight 16 Ozs. The CRACKIN' GOOD BAKERS Valdosta, Ga."; and "Two Pounds Net Weight 49¢ CRACKIN' GOOD FIG BARS The CRACKIN' GOOD Bakers Valdosta, Georgia."

**RESULTS OF INVESTIGATION:** Prior to 1-1-61, Crackin' Good Bakers, Inc., operated as Carr-Consolidated Biscuit Co.

**CHARGE:** 402(a)(3)—the creme sandwich cookies contained rodent hairs (count 1), the fig bars contained rodent hairs, fly parts, and insect fragments (count 3), and 402(a)(4)—the articles were prepared and packed under insanitary conditions (all counts).

**PLEA:** Guilty by Buchwald and Resch to all counts; by Carr-Consolidated Biscuit Co. to count 1; and by Crackin' Good Bakers, Inc., to counts 2, 3, and 4.

**DISPOSITION:** 9-5-61. Carr-Consolidated Biscuit Co.—\$500 fine; Crackin' Good Bakers, Inc.—\$1,000 fine; Buchwald—\$1,000 fine; and Resch—\$1,000 fine.

**27752. Cookies.** (F.D.C. No. 47193. S. No. 39-077 T.)

**QUANTITY:** 105 ctns., 24 pkgs. each, at Linden, N.J.

**SHIPPED:** Between 1-26-62 and 2-7-62, from Brooklyn, N.Y., by Eddyleon Chocolate Co., Inc.

**LABEL IN PART:** (Pkg.) "Eddyleon Chocolate Covered Jelly Grahams Net Wt. 6 Oz. \* \* \* Mfd. by Eddyleon Chocolate Co., Inc., Brooklyn, N.Y."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-2-62, Dist. N.J.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 3-30-62. Consent—claimed by Eddyleon Chocolate Co., Inc., and released under bond for relabeling and repacking.

**27753. Crackers and popped popcorn.** (F.D.C. No. 46626. S. Nos. 40-704/5 T.)

**QUANTITY:** 31 ctns., 48 cans each, of crackers; and 14 ctns., 24 bags each, of popcorn, at Clifton, N.J.

**SHIPPED:** 10-30-61 and 11-7-61, from New York, N.Y., by Old London Foods, Inc.

**LABEL IN PART:** (Can) "Old London Cheddar Cheesewich 20 Sandwiches Net Wt. 2¾ Oz. Baked by Old London Foods, Inc., N.Y., N.Y. \* \* \* Ingredients"; (ctn.) "Old London Cheese Spread Sandwiches \* \* \* Cheese Flavored 4 Display Boxes One Doz. Ea. baked by Old London Foods, Inc. 788 East 138th Street, New York"; and (bag) "1¾ Oz. King Korn Seasoned Popcorn \* \* \* Manufactured by Old London Foods, Inc."

**RESULTS OF INVESTIGATION:** The name and address of the manufacturer, quantity of contents and ingredients statements were inconspicuous (crackers) due to being printed in silver-colored ink on a noncontrasting white background; and (popcorn) the quantity of contents statement was inconspicuous due to its size and style of print and its being without contrasting background, and the ingredients statement was inconspicuous due to its size of type, its position on the side of the bag label, and in a plane which was perpendicular to the principal display panel.

**LIBELED:** 11-20-61, Dist. N.J.

**CHARGE:** 403(f)—when shipped, the information required by 403 (e)(1), (e)(2) and (i)(2) to appear on the label, namely, (crackers) name and address of manufacturer, packer, or distributor, (both lots) quantity of contents, and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 1-10-62. Default—delivered to charitable institutions.

**27754. Frozen pizza.** (F.D.C. No. 46876. S. No. 51-125 T.)

**QUANTITY:** 32 cases, 12 pkgs. each, at Portland, Oreg.

**SHIPPED:** Prior to 11-17-61, from Denver, Colo., by Colorado Pizza Co.

**LABEL IN PART:** (Pkg.) "Our Real Italian Brand Pizza with Pepperoni Sausage Ingredients: \* \* \* Colorado Pizza Company, Denver, Colo., Net Wt. 12 Oz."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 1-15-62, Dist. Oreg.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 3-14-62. Default—delivered to charitable or public institutions.

**27755. Tortillas.** (F.D.C. No. 47399. S. No. 51-456 T.)

**QUANTITY:** 290 cases, 24 cans each, at Seattle, Wash.

**SHIPPED:** Between 7-29-61 and 2-9-62, from El Paso, Tex., by Ashley's, Inc.

**LABEL IN PART:** (Can) "Ashley's Brand \* \* \* Tortillas Made From Corn and Water Contents 18 Tortillas Net Weight 11 Ounces Packed by Ashley's. 2864 Pershing Drive, El Paso, Texas."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.



**LIBELED:** 3-20-62, W. Dist. Wash.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-6-62. Consent—claimed by Ashley's, Inc., and released under bond to be brought into compliance with the law.

### FLOUR

**27756. Flour.** (F.D.C. No. 45689. S. No. 23-723 R.)

**INFORMATION FILED:** 8-9-61, W. Dist. Mo., against Isis Wholesale Grocery & Produce Co., a partnership, Kansas City, Mo., and Louis Barash, Harold Barash, and Bernard Barash, partners.

**ALLEGED VIOLATIONS:** Between 5-6-60 and 5-31-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused such flour to be held in a building that was accessible to rodents, and to be exposed to contamination by rodents, which acts resulted in the flour being adulterated.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 9-29-61. Partnership—\$50 fine; individuals—suspended imposition of sentence.

**27757. Flour.** (F.D.C. No. 46370. S. Nos. 71-745/6 P.)

**INFORMATION FILED:** On or about 11-20-61, M. Dist. Ga., against Timberlake Grocery Co. of Albany, Inc., Albany, Ga.

**ALLEGED VIOLATION:** Between 1-29-59 and 9-16-59, the defendant caused quantities of flour, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to insects and rodents and to be exposed to contamination by insects and rodents, which acts resulted in the flour being adulterated.

**CHARGE:** 402(a) (3)—contained insects, insect larvae, insect cast skins and insect excreta; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 12-4-61. \$1,000 fine.

**27758. Flour.** (F.D.C. No. 47223. S. No. 47-247 T.)

**QUANTITY:** 39 50-lb. bags at Texarkana, Ark., in possession of Jopling-Eason Wholesale Grocer Co.

**SHIPPED:** 11-27-61 and 1-2-62, from Arkansas City, Kans.

**LIBELED:** 3-2-62, W. Dist. Ark.

**CHARGE:** 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 3-28-62. Default—delivered to a public institution for use as animal feed.



27759. Flour. (F.D.C. No. 46929. S. No. 54-728 T.)

QUANTITY: 60 25-lb. bags at Jacksonville, Fla., in possession of United Food Stores, Inc.

SHIPPED: 11-16-61, from Atlanta, Ga.

LIBELED: 1-18-62, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-5-62. Default—destruction.

### MACARONI AND NOODLE PRODUCTS

27760. Macaroni products. (F.D.C. No. 46559. S. No. 10-010 T.)

QUANTITY: 12 cases, 12 1-lb. pkgs. each, at Pittsburgh, Pa.

SHIPPED: Between 8-14-61 and 8-21-61, from Buffalo, N.Y., by Gioia Mfg. Co., Inc.

LABEL IN PART: (Pkg.) "Gioia Brand Vitamin Enriched Tufoli Lisci-48 \* \* \* Manufactured By Gioia Macaroni Co., Inc. Buffalo, New York Enriched: Each four ounces of this product provides not less than the following proportions of the minimum adult daily requirement of \* \* \* Thiamine 50.0%, Riboflavin 25.0%, Iron 32.5%, 40% of Niacin."

LIBELED: 10-10-61, W. Dist. Pa.

CHARGE: 403(a)—when shipped, the label of the article bore false and misleading representations that the article would supply an unusual amount of protein in a quantity which was low in calories; and 403(g)(2)—the article purported to be an enriched macaroni product, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food, namely, "Enriched Macaroni Product" as specified in the definition and standard.

DISPOSITION: 11-17-61. Default—delivered to a charitable institution.

27761. Egg noodles. (F.D.C. No. 46550. S. No. 26-312 T.)

QUANTITY: 49 10-lb. cases of various sizes designated as wide, fine, and Kluski, at Toledo, Ohio.

SHIPPED: 9-29-61, from Detroit, Mich., by Prince Michigan Macaroni Mfg. Co.

LABEL IN PART: (Case) "George Snyder \* \* \* Egg Noodles George Snyder Co. Toledo, Ohio."

RESULTS OF INVESTIGATION: Examination showed that the article failed to conform to the definition and standard of identity for egg noodles in that the total solids of the article contained less than 5.5 percent by weight of solids of egg, or egg yolk.

LIBELED: 11-22-61, N. Dist. Ohio.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, egg or egg yolk solids, had been in whole or in part omitted from the article; and 403(g)(1)—the article failed to conform to the definition and standard of identity for egg noodles.

DISPOSITION: 1-5-62. Default—delivered to a charitable organization.

**27762. Egg noodles.** (F.D.C. No. 46806. S. Nos. 3-148 T, 3-679 T.)

**QUANTITY:** 191 cases, 12 12-oz. pkgs. each, at Baltimore, Md.

**SHIPPED:** 9-6-61 and 10-9-61, from Buffalo, N.Y., by Gioia Macaroni Co., Inc.

**LABEL IN PART:** (Pkg.) "Gioia Brand Enriched Egg Noodles \* \* \* Gioia Macaroni Co., Inc., Buffalo, N.Y."

**RESULTS OF INVESTIGATION:** Examination showed that the article failed to conform to the definition and standard of identity for enriched egg noodles in that the total solids of the article contained less than 5.5 percent by weight of solids of egg, or egg yolk.

**LIBELED:** 12-21-61, Dist. Md.

**CHARGE:** 402(b)(1)—when shipped, the valuable constituent, egg or egg yolk solids, had been in whole or in part omitted from the article; and 403(g)(1)—the article failed to conform to the definition and standard of identity for enriched egg noodles.

**DISPOSITION:** 1-23-62. Default—destruction.

**27763. Egg noodles.** (F.D.C. No. 46955. S. No. 24-247 T.)

**QUANTITY:** 46 cases, 12 bags each, at Cleveland, Ohio.

**SHIPPED:** 12-28-61, from Louisville, Ky., by Delmonico Foods, Inc.

**LABEL IN PART:** (Bag) "Fisher's Enriched Pure Egg Noodles 5½% Egg Solids \* \* \* Distributed by The Fisher Bros. Co."

**RESULTS OF INVESTIGATION:** Examination showed that the article failed to conform to the definition and standard of identity for egg noodles, in that the total solids of the article contained less than 5.5 percent by weight of solids of egg, or egg yolk.

**LIBELED:** 2-6-62, N. Dist. Ohio.

**CHARGE:** 402(b)(1)—when shipped, the valuable constituent, namely, egg or egg yolk solids, had been in whole or in part omitted from the article; 403(a)—the label statement "Contains 5½% Egg Solids" was false and misleading; 403(e)(1)—the article failed to bear a label containing the place of business of the distributor; and 403(g)(1)—the article failed to conform to the definition and standard of identity for egg noodles.

**DISPOSITION:** 3-14-62. Default—destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**27764. Wheat.** (F.D.C. No. 47004. S. No. 28-754 T.)

**QUANTITY:** 107,420 lbs. at Kansas City, Kans.

**SHIPPED:** 1-17-62, from Table Rock, Nebr., by Binder Grain Co.

**LIBELED:** 1-31-62, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 3-1-62. Consent—claimed by Root Grain Co., Kansas City, Mo. Segregated; 4,300 lbs. denatured.

**27765. Wheat.** (F.D.C. No. 47052. S. No. 51-057 T.)

**QUANTITY:** 117,600 lbs. at Hillyard, Wash.

**SHIPPED:** 2-6-62, from Macon, Mont., by F. H. Peavey-Occident Elevator Co.

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\*See also No. 27753.



**LIBELED:** 2-19-62, E. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 3-6-62. Consent—claimed by Peavey-Occident Elevators, Minneapolis, Minn., and converted into animal feed.

**27766. Wheat.** (F.D.C. No. 47238. S. No. 51-059 T.)

**QUANTITY:** 119,000 lbs. at Spokane, Wash.

**SHIPPED:** 2-20-62, from General Mills, Inc., Chester, Mont., by Cargill, Inc.

**LIBELED:** 3-13-62, E. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 3-16-62. Consent—claimed by Boyd-Conlee Co., Spokane, Wash., and denatured for use as animal feed.

**27767. Wheat.** (F.D.C. No. 47243. S. No. 46-252 T.)

**QUANTITY:** 126,000 lbs. at St. Louis, Mo.

**SHIPPED:** 3-5-62, from Cisco, Ill., by Cisco Cooperative Grain Co.

**LIBELED:** 3-14-62, E. Dist. Mo.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 3-28-62. Consent—claimed by Cisco Cooperative Grain Co., and denatured.

**27768. Rice.** (F.D.C. No. 46914. S. No. 43-407 T.)

**QUANTITY:** 119 100-lb. bags at Philadelphia, Pa., in possession of Sol Sved.

**SHIPPED:** 10-27-61, from Stuttgart, Ark.

**LIBELED:** 1-15-62, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets and rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-11-62. Default—destruction.

**27769. Shelled popcorn.** (F.D.C. No. 47176. S. No. 1-476 T.)

**QUANTITY:** 43 cases, 24 cans each, at East Point, Ga.

**SHIPPED:** 10-20-61, from Birmingham, Ala., by National Oats Co.

**LABEL IN PART:** (Can) "Net Wt. 10 Oz. 3 Minute Brand Tender Yellow Hulless Pop Corn \* \* \* National Oats Company, Cedar Rapids, Iowa."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 2-26-62, N. Dist. Ga.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-6-62. Default—delivered to a charitable institution.

**27770. Cracker meal.** (F.D.C. No. 46581. S. No. 6-145 T.)

**QUANTITY:** 9 40-lb. bags at Worcester, Mass.

**SHIPPED:** 9-14-61, from Jamaica, N.Y., by Modern Maid Food Products, Inc.

**LABEL IN PART:** (Bag) "Modern Maid Food Products, Inc. \* \* \* Cracker Meal \* \* \* 9121."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained a deleterious substance, namely, iron fragments ranging in size from 1 to 20 square millimeters.



**LIBELED:** 10-19-61, Dist. Mass.

**CHARGE:** 402(a)(1)—when shipped, the article contained an added deleterious substance, namely, iron fragments, which may have rendered it injurious to health.

**DISPOSITION:** 12-6-61. Default—destruction.

## CHOCOLATE, CONFECTIONERY, AND RELATED PRODUCTS

### CHOCOLATE AND COCOA

**27771. Hershey's instant cocoa mix.** (F.D.C. No. 47235. S. Nos. 17-691 T, 57-908/10 T.)

**QUANTITY:** 222 cases, 24 ½-lb. cans each, 856 cases, 12 1-lb. cans each, and 282 cases, 12 2-lb. 6-oz. cans each, at Cincinnati, Ohio.

**SHIPPED:** Between 7-5-61 and 3-1-62, from Hershey, Pa., by Hershey Chocolate Corp.

**LABEL IN PART:** (Can) "Instant Hot or Cold Hershey's Instant Cocoa Mix Rich Chocolate Flavor Now Fortified with Vitamins B<sub>1</sub>, C, D<sub>2</sub>, and Iron \* \* \* Hershey Chocolate Corp., Hershey, Pa."

**LIBELED:** 3-12-62, S. Dist. Ohio.

**CHARGE:** 403(a)—when shipped, the label bore false and misleading representations that the article was adequate and effective to promote sound nerves, stimulate digestion, promote sound teeth, healthy gums, and body tissues; promote growth of children, and to cause the blood and body cells to release energy.

**DISPOSITION:** 3-30-62. Consent—claimed by Hershey Chocolate Corp., and released under bond for relabeling.

**27772. Chocolate-covered cherries.** (F.D.C. No. 47190. S. Nos. 5-039 T, 5-442/3 T.)

**QUANTITY:** 73 cases, 24 pkgs. each, at Halethorpe (Baltimore), Md.

**SHIPPED:** Between 1-19-62 and 2-21-62, from New York, N.Y., by Bianchi Co.

**LABEL IN PART:** (Pkg.) "Cella's 100% Liquid Centers Rich Chocolate Covered Cherries Net Wt. 5 Ozs. Mfg. by The Bianchi Co., New York, N.Y."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-7-62, Dist. Md.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-5-62. Default—delivered to charitable institutions.

### CONFECTIONERY

**27773. Roxbury brand candies.** (F.D.C. No. 46414. S. Nos. 61-312/17 R.)

**QUANTITY:** 56 cases, 24 bags each, of Chocolate Stars; 174 cases, 24 bags each, of Swedish Mints; 68 cases, 24 bags each, of Butterscotch Balls; 256 cases,

12 bags each, of Chicken Bones; 42 cases, 24 bags each, of Licorice Mix; and 199 cases, 24 bags each, of French Burnt Peanuts, at Bellevue, Wash. SHIPPED: Between 5-22-61 and 8-11-61, from San Jose, Calif., by Safeway Stores Candy Plant.

LABEL IN PART: (Bag) "Net Wt. 7 Oz. \* \* \* Chocolate Stars [or "Net Wt. 11 Oz. \* \* \* Swedish Mints" or "Net Wt. 9 Oz. \* \* \* Butterscotch Balls" or "Net Wt. 8 Oz. \* \* \* Chicken Bones" or "Net Wt. 12 Oz. \* \* \* Licorice Mix" or "Net Wt. 9½ Oz. \* \* \* French Burnt Peanuts"] \* \* \* Safeway Stores, Incorporated Oakland, Calif."

RESULTS OF INVESTIGATION: Examination showed that the mandatory information required to appear on the label was printed on clear cellophane bags in ink of a color similar to the articles in the bags, making it difficult to read.

LIBELED: 8-29-61, W. Dist. Wash.; amended 8-31-61.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), and (i)(2) to appear on the label, namely, name and address of manufacturer, packer, or distributor, quantity of contents, and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 12-11-61 and 12-21-61. Consent—claimed by Safeway Stores, Inc., Oakland, Calif. The bags of Licorice Mix were denatured for use as animal feed; the French Burnt Peanuts were delivered to a charitable institution; the remainder of the articles were relabeled.

27774. Candy. (F.D.C. No. 47391. S. Nos. 43-755/60 T.)

QUANTITY: 129 30-lb. cases, and 10 ctns., 24 15-oz. bags each, of Jelly Eggs; 13 26-lb. cases, and 26 ctns., 12 7-oz. bags each, of Nonpareils; 10 22-lb. cases, and 16 ctns., 12 7-oz. bags each, of Foil Mints; 15 25-lb. cases, and 1 ctn., containing 24 6-oz. bags, of Choco Kisses; 22 bulk cases, and 6 ctns., 12 5-oz. bags each, of Trophy Sticks; and 19 12½-lb. cases, and 2 ctns., 12 7-oz. bags each, of Malted Milk Eggs, at Camden, N.J., in possession of Kane's Kandies.

SHIPPED: Between 11-15-61 and 2-20-62, from Chicago and Melrose Park, Ill.; Elizabethtown, Reading, and Hershey, Pa.; and Albany, Ga.

LABEL IN PART: (Bag) "Kane's Kandies Jelly Eggs [or "Nonpareils" or "Foil Mints" or "Choco Kisses" or "Asst. Sticks" or "Malted Milk"] \* \* \* Kane's Kandies Camden, N.J."

RESULTS OF INVESTIGATION: The articles were repacked by the dealer, from bulk stock shipped as described above, into transparent cellophane bags, on which the name of the candy, quantity of contents, and ingredients statements were over stamped with a white, soft crayon-like substance which was easily rubbed off, resulting in blurred statements which were nearly illegible in most cases. The name and address of the repacker was printed on the back of the bag in all cases except the Trophy Sticks.

LIBELED: 3-21-62, Dist. N.J.

CHARGE: 403(f)—while held for sale, the information required by 403(e)(1) (all lots except Trophy Sticks) and (all lots) 403 (e)(2) and (i)(2), to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents statement, and the common or



usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i)(2)—the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: 3-29-62. Consent—claimed by Kane's Kandies, and released under bond for repacking and relabeling.

**27775. Caramel popcorn.** (F.D.C. No. 46868. S. No. 34-344 T.)

QUANTITY: 40 cases, 18 bags each, at Minneapolis, Minn.

SHIPPED: 12-20-61, from Madison, Wis., by Red Dot Foods, Inc.

LABEL IN PART: (Bag) "Red Dot Caramel Popcorn Ingredients: \* \* \* 7¼ Oz. Red Dot Foods, Inc., Executive Office Madison, Wisconsin \* \* \* 1175."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 1-5-62, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 3-2-62. Default—delivered to charitable institutions.

#### SIRUP AND SUGAR

**27776. Sorghum sirup.** (F.D.C. No. 46930. S. No. 2-814 T.)

QUANTITY: 96 cases, 12 22-oz. btls. each, at Eastman, Ga.

SHIPPED: On unknown date, from Joplin, Mo., by M & M Sorghum Co.

LABEL IN PART: (Btl.) "Sorghum Made for and Sold by M&M Sorghum Company, 1205 Virginia Ave. Joplin, Mo."

RESULTS OF INVESTIGATION: Examination showed the article to be a mixture of sorghum with invert sugar sirup.

LIBELED: 1-18-62, S. Dist. Ga.

CHARGE: 402(b)(2)—when shipped, a mixture of sorghum with invert sugar sirup had been substituted in whole or in part for sorghum sirup; and 403(a)—the label statement "Sorghum" was false and misleading.

DISPOSITION: 3-16-62. Default—delivered to a charitable institution.

**27777. Sorghum sirup.** (F.D.C. No. 46015. S. Nos. 24-303/4 R, 24-358/9 R.)

INFORMATION FILED: 8-15-61, E. Dist. Okla., against Clifton S. Watson, t/a C. S. Watson, Haileyville, Okla.

SHIPPED: 8-20-60 and 10-18-60, from Oklahoma to Missouri.

LABEL IN PART: (Can) "Watson's Indian Creek Brand Syrup SORGHUM Made From Cane. Made for C. S. Watson . . . P.O. Box 12 Haileyville, Oklahoma."

RESULTS OF INVESTIGATION: The article was a mixture of invert sugar sirup and sorghum sirup which contained less than one-half sorghum sirup.

CHARGE: 402(b)(2)—a substance other than sorghum had been substituted in part for sorghum which the food was represented to be; and 403(a)—the label statement "SORGHUM MADE FROM CANE" was false and misleading in that the statement represented and suggested that the food consisted of



sorghum sirup, whereas, the food did not consist of sorghum sirup but did consist in part, of a substance other than sorghum sirup.

PLEA: Nolo contendere.

DISPOSITION: 10-6-61. \$50 fine.

**27778. Grenadine sirup.** (F.D.C. No. 46741. S. Nos. 42-027/8 T, 42-032/3 T, 42-945/6 T.)

QUANTITY: 46 cases, 12 8-oz. btls. each; 38 cases, 12  $\frac{4}{5}$ -pt. btls. each; and 52 cases, 12  $\frac{4}{5}$ -pt. btls. each, at Pennsauken, N.J.

SHIPPED: Between 7-14-61 and 10-26-61, from Brooklyn, N.Y., by Virginia Dare Extract Co., Inc.

LABEL IN PART: (Btl.) "Virginia Dare Grenadine Syrup Delicious Topping for ice cream, fruit cup and grapefruit. \* \* \* Contains: sugar, water, pure flavors, citric acid \* \* \* Mfg. by Virginia Dare Extract Co., Inc., Brooklyn, N.Y."

RESULTS OF INVESTIGATION: The ingredient statement was inconspicuous due to being printed in very small type making it almost illegible; the label of the  $\frac{4}{5}$ -pint bottle did not bear the quantity of contents statement; and examination showed that the article was short in volume.

LIBELED: 11-27-61, Dist. N.J.

CHARGE: 403(f)—when shipped, the information required by 403(i)(2) to appear on the label, namely, the common or usual names of the ingredients contained therein, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the label) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 2-6-62. Default—delivered to charitable institutions.

**27779. Creme de Menthe sirup and grenadine sirup.** (F.D.C. No. 47170. S. Nos. 51-528 T, 51-530 T.)

QUANTITY: 10 cases, 24 btls. each, of Creme de Menthe sirup; and 10 cases, 24 btls. each, of grenadine sirup, at Portland, Oreg.

SHIPPED: 1-4-62, from Savannah, Ga., by Fournier, Inc.

LABEL IN PART: (Btl.) "Fournier's Creme de Menthe Syrup Net Contents 8 Oz. Avd. \* \* \* Packed by Fournier, Inc., Savannah, Ga." and "Fournier's Grenadine Syrup Net Contents 8 Oz. \* \* \* Packed by Fournier, Inc., Savannah, Ga."

LIBELED: 3-1-62, Dist. Oreg.

CHARGE: Creme de Menthe sirup. 403(a)—when shipped, the name "Creme de Menthe Syrup" was false and misleading as applied to a product which was a non-alcoholic sirup; 403(e)(2)—its label failed to bear an accurate statement of the quantity of contents, since the article was a liquid and the quantity of contents was not stated in terms of liquid measure; 403(i)(1)—the label failed to bear the common or usual name of the food, namely "mint-flavored sirup"; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient.

Grenadine sirup. 403(e)(2)—when shipped, the label failed to bear an accurate statement of the quantity of contents, since the article was a liquid and the quantity of contents was not stated in terms of liquid measure; and

403(i) (2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 4-6-62. Default—delivered to a charitable or public institution.

27780. Frosting mix. (F.D.C. No. 46524. S. No. 28-024 T.)

QUANTITY: 525 cases, 12 boxes each, at Kansas City, Mo.

SHIPPED: 10-16-61, from Pinckneyville, Ill., by Penick & Ford, Ltd., Inc.

LABEL IN PART: (Box) "Swel R Frosting Mix 7-Minit Fluffy White \* \* \* Net Weight 6½ Oz. Penick & Ford, Ltd., Inc., New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 11-6-61, W. Dist. Mo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: On or about 1-11-62. Consent—claimed by Penick & Ford, Ltd., Inc., New York, N.Y., and relabeled.

27781. Sugar tablets. (F.D.C. No. 47054. S. No. 35-763 T.)

QUANTITY: 62 cases, 12 boxes each, at Minneapolis, Minn.

SHIPPED: 8-15-61 and 9-15-61, from Chicago, Ill., and New Orleans, La., by American Sugar Refining Co.

LABEL IN PART: (Box) "Crystal Domino Tablets Pure Cane Sugar \* \* \* 2 Pounds Net Wt. \* \* \* American Sugar Refining Company, Boston, New York, Baltimore, New Orleans."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 2-26-62, Dist. Minn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-12-62. Default—delivered to a charitable institution.

## DAIRY PRODUCTS

### MILK

27782. Nonfat dry milk. (F.D.C. No. 45976. S. Nos. 16-688 R, 16-690/2 R, 16-695 R.)

INFORMATION FILED: 12-29-61, S. Dist. Ohio, against Cincinnati Merchandise Warehouse, Inc., Cincinnati, Ohio, and Nicholas C. Link, secretary, treasurer, and general manager.

ALLEGED VIOLATION: Between 4-20-60 and 11-18-60, the defendants caused quantities of nonfat dry milk, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to insects, and to be exposed to contamination by insects, which acts resulted in the nonfat dry milk being adulterated.

CHARGE: 402(a) (3)—contained insect larvae and cast skins; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-29-61. Corporation—\$500 fine; Link—\$150 fine.



## EGGS

27783. Frozen eggs. (F.D.C. No. 46549. S. No. 36-316 T.)

QUANTITY: 100 30-lb. cans at Algiers, La.

SHIPPED: Between 5-30-51 and 10-30-61, from Texas, Nebraska, and Mississippi.

RESULTS OF INVESTIGATION: The article was prepared by Nick Christiana Wholesale Egg Co., Algiers, La., from shell eggs which had been shipped in interstate commerce as described above.

LIBELED: 11-24-61, E. Dist. La.

CHARGE: 402(a) (3)—contained decomposed eggs while held for sale.

DISPOSITION: 1-9-62. Default—destruction.

## FEEDS AND GRAINS

27784. Alfalfa meal. (F.D.C. No. 46523. S. No. 18-751 T.)

QUANTITY: 415 100-lb. bags at Austin, Tex.

SHIPPED: 9-28-61 or 9-29-61, from Grant, Okla., by Hugo Milling Co.

LABEL IN PART: "17% Protein Dehydrated Alfalfa Meal Manufactured by Hugo Milling Company, Hugo, Okla."

LIBELED: 11-7-61, W. Dist. Tex.

CHARGE: 402(a) (2) (B)—the article was a raw agricultural commodity, and when shipped, contained a pesticide chemical, namely, DDT, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on alfalfa has been prescribed by regulations.

DISPOSITION: 1-23-62. Default—delivered to a public institution for use as fertilizer.

27785. Alfalfa meal. (F.D.C. No. 46831. S. No. 18-510 T.)

QUANTITY: 90 100-lb. bags at Fort Worth, Tex.

SHIPPED: 10-2-61, from Hugo, Okla., by Hugo Milling Co.

LABEL IN PART: (Bag) "17% Protein Dehydrated Alfalfa Meal Manufactured by Hugo Milling Company, Hugo, Oklahoma."

LIBELED: 12-15-61, N. Dist. Tex.

CHARGE: 402(a) (2) (B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, DDT, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on alfalfa has been prescribed by regulations.

DISPOSITION: 2-23-62. Default—destruction.

27786. Alfalfa meal. (F.D.C. No. 46842. S. No. 18-560 T.)

QUANTITY: 150 100-lb. bags at Fort Worth, Tex.

SHIPPED: 9-11-61, from Davidson, Okla., by L. H. Campbell & Sons and Ralph Fillmore.

LABEL IN PART: (Bag) "Suncured Alfalfa Meal Manufactured by L. H. Campbell & Sons Davidson, Oklahoma."



**LIBELED:** 12-14-61, N. Dist. Tex.

**CHARGE:** 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, DDT, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on alfalfa has been prescribed by regulations.

**DISPOSITION:** 2-23-62. Default—destruction.

**27787. Clay (feed supplement).** (F.D.C. No. 45746. S. No. 52-261 R.)

**QUANTITY:** 450 100-lb. bags at Denver, Colo.

**SHIPPED:** The article was shipped in bulk lots on 1-29-61, from Coyote Wells, Calif.

**LABEL IN PART:** "The Natural Mineral (not synthetic) feed supplement M 27 for all livestock. Directions For Feeding \* \* \* Guaranteed Analysis Not Less Than: Calcium Oxide 5.14% Magnesium Oxide 2.46% Sodium Oxide .93% Potassium Oxide .41% Also Ferrous, Ferric, Manganese, Chromium, Strontium, Barium, Vanadium, Copper, Zirconium, Nickel, Cobalt, Titanium, Arsenic, and Lead Oxides. Carbon Dioxide, Sulphuric, Phosphoric and Boric Anhydrides. Fluorine, Chloride, Calcium Carbonate and Sodium Chloride. All contained in a base of Aluminum and Silicon Oxides. Imperial Minerals, Inc., Glendale, California Imperial Minerals Distributing Co., 9371 Ellen Ct., Denver 29, Colorado."

**ACCOMPANYING LABELING:** Leaflets entitled "Directions for feeding M 27," and approximately 2,375 extra bags labeled as described above.

**RESULTS OF INVESTIGATION:** After shipment of the article as described above, the article was ground and packed in bags furnished to the packer by Imperial Minerals Distributing Co. (Samuel F. Burkhalter). The above-mentioned leaflets were received at Denver, Colo., on an unknown date, and were used by Samuel F. Burkhalter in promoting sales of the article.

**LIBELED:** 5-4-61, Dist. Colo.

**CHARGE:** 403(a)—while held for sale, the labeling of the article contained statements, namely, "Each of the mineral elements found in M 27 has its own particular place in the growth and health of livestock and poultry" and "The functions performed by each mineral are shown on the reverse side," and the list of mineral elements and their functions, which represented and suggested that the article supplied the listed minerals in available form and in sufficient amounts so as to provide the benefits listed, which statements were false and misleading, since they were contrary to fact; and 403(i)(1)—the label failed to bear the common or usual name of the article, namely, clay.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

**DISPOSITION:** 5-23-61. Consent—claimed by Samuel F. Burkhalter, t/a Imperial Minerals Distributing Co., Thornton, Colo., and released under bond for relabeling. On 9-1-61, pursuant to stipulation by the parties, the decree of 5-23-61 was amended to provide that the claimant and all his employees and associates should at no time sell or promote the released article in writing, advertising or orally for therapeutic purposes or for furnishing significant mineral nutrition.

27788. Canned dog food. (F.D.C. No. 46431. S. No. 76-472 R.)

QUANTITY: 210 cases, 48 1-lb. cans each, at Pensacola, Fla.

SHIPPED: 5-8-61, from Atlanta, Ga.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing active decomposition.

LIBELED: 9-12-61, N. Dist. Fla.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-4-61. Default—destruction.

27789. Fish oil. (F.D.C. No. 46975. S. Nos. 22-967 T, 23-839 T.)

QUANTITY: 6 55-gal. bbls. at Denver, Colo.

SHIPPED: Prior to 2-10-61 and 6-14-61, from Long Beach, Calif., by Van Camp Laboratories, Div. of Van Camp Sea Food Co.

LABEL IN PART: (Bbl.) "Sea Pep Vitamin A & D Feeding Oil \* \* \* Van Camp Laboratories Division of Van Camp Sea Food Company, Inc., Terminal Island, Calif."

LIBELED: 1-12-62, Dist. Colo.

CHARGE: 402(a)(2)(C)—when shipped, the article contained food additives, namely, DDT, DDD, and DDE, which are unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 2-23-62. Default—destruction.

27790. Concentrated whey. (F.D.C. No. 46885. S. No. 25-856 T.)

QUANTITY: 196 50-lb. boxes at Portland, Ind.

SHIPPED: 10-3-61, from Wapakoneta, Ohio, by Triple F Foods Co.

LABEL IN PART: (Box) "Chicks Pigs Calves Turkeys Stock-Treet A Concentrated Whey Product \* \* \* Triple F Foods Co. Wapakoneta, Ohio \* \* \* Lactose 42%."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 73 percent of the declared amount of lactose.

LIBELED: 1-12-62, N. Dist. Ind.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, lactose, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Lactose 42%" was false and misleading.

DISPOSITION: 3-2-62. Default—destruction.

27791. Concentrated whey. (F.D.C. No. 45872. S. Nos. 94-962 R, 94-969 R.)

QUANTITY: 35 50-lb. ctns. at Dundee, Mich.

SHIPPED: 9-16-60, from Wapakoneta, Ohio, by Triple F Foods Co.

LABEL IN PART: (Ctn.) "Chicks Pigs Stock-Treet A Concentrated Whey Product Calves Turkeys \* \* \* Triple F Foods Co. Wapakoneta, Ohio \* \* \* Lactose 42% \* \* \* Total Solids 62%."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 55.7 percent of the declared amount of lactose and approximately 91 percent of the declared amount of total solids.

LIBELED: 7-12-61, E. Dist. Mich.



**CHARGE:** 402(b)(1)—when shipped, the valuable constituents, lactose and total solids, had been in part omitted or abstracted from the article; and 403(a)—the label statements "Lactose 42%" and "Total Solids 62%" were false and misleading.

**DISPOSITION:** 11-17-61. Default—destruction.

## FISH AND SHELLFISH

**27792. Frozen haddock fillets.** (F.D.C. No. 46464. S. No. 6-170 T.)

**QUANTITY:** 66 cases, 5 10-lb. ctns. each, of frozen fish fillets individually wrapped, at Boston, Mass.

**SHIPPED:** These fillets were from fish caught by the fishing vessels "Phantom" and "Cloud" in the waters of the Atlantic Ocean outside the limits of Massachusetts, and landed at Boston Fish Pier on or about 8-24-61 and 8-25-61.

**LIBELED:** 9-19-61, Dist. Mass.

**CHARGE:** 402(a)(3)—contained decomposed fish fillets when shipped.

**DISPOSITION:** 12-14-61. Consent—claimed by Hub Sea Food Corp., Boston, Mass. Segregation proved to be unsuccessful and the article was destroyed.

**27793. Frozen shrimp.** (F.D.C. No. 47184. S. No. 2-856 T.)

**QUANTITY:** 93 cases, 12 10-oz. pkgs. each, at Pensacola, Fla.

**SHIPPED:** 1-29-62, from New Orleans, La., by New Orleans Shrimp Co., Inc.

**LABEL IN PART:** (Pkg.) "Frosty Seas Quick Frozen Shrimp In The Shell Packed for Frozen Food Forum, Inc., Atlanta, Ga. Medium."

**LIBELED:** 3-5-62, N. Dist. Fla.

**CHARGE:** 402(a)(3)—contained decomposed shrimp when shipped.

**DISPOSITION:** 3-30-62. Default—destruction.

**27794. Breaded shrimp.** (F.D.C. No. 46833. S. No. 25-859 T.)

**QUANTITY:** 122 cases, 24 10-oz. boxes each, at Detroit, Mich.

**SHIPPED:** 10-14-61, from Harlingen, Tex., by Western Shell Fish Co., Inc.

**LABEL IN PART:** (Box) "Fisherman's Choice Breaded Fantail Shrimp \* \* \* Distributed by Western Shell Fish Co., Inc., Harlingen, Texas."

**LIBELED:** On or about 12-7-61, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained insect fragments and a high total bacterial count; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 4-3-62. Default—destruction.

**27795. Frozen shrimp (2 seizure actions).** (F.D.C. No. 47048. S. Nos. 18-085/6 T.)

**QUANTITY:** 78 cases, 24 8-oz. pkgs. each, at Houston, Tex.

**SHIPPED:** 1-26-62 and 1-27-62, from New Orleans, La., by New Orleans Shrimp Co., Inc.

**LABEL IN PART:** (Pkg.) "Rod 'N Reel Brand Shrimp in Shell \* \* \* Packed by New Orleans Shrimp Co., Inc., New Orleans, La." and "I'll Bite Brand Headless Shrimp in the Shell \* \* \* New Orleans Shrimp Company, New Orleans, La."

**LIBELED:** On or about 2-19-62, S. Dist. Tex.

**CHARGE:** 402(a)(3)—contained a decomposed substance when shipped.

**DISPOSITION:** On or about 4-4-62. Consent—destruction.

**27796. Frozen frog legs.** (F.D.C. No. 46846. S. No. 26-149 T.)

**QUANTITY:** 47 10-lb. boxes at Detroit, Mich.

**SHIPPED:** 10-11-60, from New York, N.Y.

**LIBELED:** 12-12-61, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained decomposed frog legs while held for sale.

**DISPOSITION:** 3-20-62. Default—destruction.

**27797. Herring and rollmops.** (F.D.C. No. 47209. S. Nos. 61-315 T, 61-319/20 T.)

**QUANTITY:** 40 cases, 12 jars each, of herring; and 100 cases, 12 jars each, of rollmops, at St. Louis, Mo.

**SHIPPED:** 1-30-62 and 2-20-62, from Chicago, Ill., by Vita Food Products, Inc.

**LABEL IN PART:** (Jar) "Vita Brand Imported Creamed Fillets \* \* \* 12 Oz. Net 10 Oz. Net Fish Packed by Vita Food Products, Inc. New York-Chicago Contains: Herring, Onions, Distilled Vinegar, Sour Cream, Sugar, Salt and Spices" and "Vita Brand Imported Rollmops \* \* \* 16 Oz. Net 14 Oz. Net Fish Packed by Vita Food Products, Inc., New York-Chicago Contains: Herring, Pickles, Onions, Distilled Vinegar, Salt and Spices."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained less than the stated quantity of fish.

**LIBELED:** 3-8-62, E. Dist. Mo.

**CHARGE:** 403(a)—when shipped, the label statements (40-case lot) "10 Oz. Net Fish" and (100-case lot) "14 Oz. Net Fish" were false and misleading.

**DISPOSITION:** 3-28-62. Consent—claimed by Vita Food Products, Inc., Chicago, Ill., and released under bond for relabeling.

**27798. Canned salmon.** (F.D.C. No. 46338. S. No. 45-347 R.)

**QUANTITY:** 29 cases, 12 4-lb. cans each, at Richmond, Ind.

**SHIPPED:** 5-31-61, from Chicago, Ill., by L & M Supply Co.

**LABEL IN PART:** (Case and can) "Happy Day Pink Salmon Distributed by Emard Packing Co., Inc., Seattle, Wash."

**RESULTS OF INVESTIGATION:** Examination showed the article to be poor quality chinook salmon.

**LIBELED:** On or about 9-21-61, S. Dist. Ind.

**CHARGE:** 402(b)(2)—when shipped, poor quality chinook salmon had been substituted in whole or in part for pink salmon; and 403(a)—the label statement "Pink Salmon" was false and misleading.

**DISPOSITION:** 11-15-61. Consent—claimed by Emard Packing Co., Inc., Seattle, Wash., and released under bond for relabeling.

**27799. Fresh oysters.** (F.D.C. No. 46554. S. No. 45-579 T.)

**QUANTITY:** 230 jars at Memphis, Tenn.

**SHIPPED:** 11-17-61, from New Orleans, La., by Paul Zibilich Co., Inc.



LABEL IN PART: (Jar) "Banner Brand Oysters Paul Zibilich Co. Inc. 617-21 Piety St., New Orleans, La."

LIBELED: 11-30-61, W. Dist. Tenn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-11-62. Default—delivered to a public institution for use as animal feed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

27800. Canned applesauce. (F.D.C. No. 42444. S. Nos. 4-109 P, 4-839 P, 4-865/6 P.)

INFORMATION FILED: 8-4-59, Dist. Md., against American Stores Co., a corporation, Hurlock, Md., Isadore Shocket, t/a Empire Jobbing House, Baltimore, Md., Albert Klaff, an employee of Isadore Shocket, Rivolanne, Inc., a corporation, t/a Union Fish Co., Washington, D.C., and Sol Sacks and Frank LoCastro, vice president and secretary-treasurer, respectively, of Rivolanne, Inc.

SHIPPED: 10-15-58, from Maryland to the District of Columbia.

LABEL IN PART: (Jar) "ACME IDEAL Net Weight 15 Ounces APPLE SAUCE."

CHARGE: 402(a) (3)—contained decomposed applesauce when shipped.

PLEA: Nolo contendere by American Stores Co., Isadore Shocket, and Albert Klaff; not guilty by Rivolanne, Inc., Sol Sacks, and Frank LoCastro.

DISPOSITION: On 10-16-59, the American Stores Co. was fined \$400 and Shocket and Klaff were each fined \$250, plus costs.

The case against the other defendants came on for trial before the court and jury on 3-21-60. The trial was concluded on 3-24-60, with the jury's return of a verdict of guilty against Rivolanne, Inc., and Frank LoCastro, and a verdict of not guilty against Sol Sacks. Thereafter, a motion for a directed verdict of acquittal or in the alternative for a new trial was filed and on 5-20-60, the following opinion was handed down by the court:

CHESNUT, *District Judge*: "The Criminal Information in this case charged that the six named defendants 'unlawfully caused to be introduced and delivered for introduction into interstate commerce, at Baltimore, Maryland, for delivery to Washington, District of Columbia, a number of jars' of adulterated food, containing 'decomposed apple sauce', on or about October 15, 1958.

"The three defendants first named, American Stores Company, Isadore Shocket, trading as Empire Jobbing House, and Albert Klaff, by counsel, respectively filed pleas of nolo contendere which were accepted by the Court (District Judge Watkins), and were respectively fined in varying amounts. The remaining three defendants, Rivolanne, Inc., a corporation, Sol Sacks and Frank LoCastro, respectively by their counsel when arraigned, pleaded 'not guilty' and were tried by a jury. The verdict of the jury as to Sacks was 'not guilty' but 'guilty' as to Rivolanne and LoCastro. At the trial, counsel for the defendants filed a motion for a directed verdict of acquittal which was denied and after the verdict counsel for LoCastro and Rivolanne have renewed their motion for a directed verdict of acquittal or in the alternative for a new trial. After careful consideration of the oral arguments and briefs of counsel on the latter motion, I have concluded that both motions



should be and they are hereby *overruled*. I will state my reasons therefore as succinctly as possible.

"The Information was based on title 21 USCA, §§ 331 and 333(a) which are the same, with only slight immaterial verbal changes due to codification, as §§ 301 and 303(a) of the Food and Drug Act of 1938. 52 Stat. ch. 675, P. 1040. Section 331 (a) to (n) states respectively the acts which are prohibited. Subsection (a) provides:

'(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.'

"And section 333(a) provides the penalty for violation of any of the several prohibited acts listed in section 331 as follows (in part):

'Any person who violates any of the provisions of section 331 shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine.'

"The principal legal defense urged by counsel for the defendants is his contention that an exception to be found in section 333(c)(1) is applicable to this case. That section reads:

'(c) No person shall be subject to the penalties of subsection (a) of this section, (1) for having received *in interstate commerce* any article and delivered it or proffered delivery of it, if such delivery or proffer was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and copies of all documents, if any there be, pertaining to the delivery of the article to him.' (Italics supplied)

"Counsel for the Government contends, I think correctly, that this subsection 333(c)(1) is not applicable under the facts of this case. Very briefly stated, the controlling facts shown by the evidence are these:

"The American Stores Company has a branch office or factory at Hurlock, Dorchester County, Maryland, where, among other things in October 1958 it manufactured or produced a large quantity of apple sauce. On or about October 15, 1958 it sold and delivered 1500 cases of this product bearing its brand name 'Acme Ideal' to Isadore Shocket, trading as the Empire Jobbing House, in Baltimore, Maryland, for \$1.00 per case, a price substantially less than the current market price for such apple sauce. The invoices described the produce sold as 'spots of mold in jars.' Shortly thereafter, Shocket, an 'odd lot jobber', sold 400 cases of the product to Rivolanne whose vice president was LoCastro, and the latter with another officer of Rivolanne, transported the 400 cases to their warehouse in Washington, D.C., and thereafter sold and delivered the much greater part of the 400 cases to other purchasers. The price paid by Rivolanne to Shocket was 25 cents below the usual market price. Klaff was an employee and relative of Shocket. There was conflict in the evidence as to whether LoCastro knew at the time of the purchase that the apple sauce was moldy. There was evidence from which the jury could find and probably did find that the effect of the mold was to cause decomposition or rotting of the apple sauce which made it adulterated within the meaning of the statute. There was also evidence from which the jury could find that the apple sauce was adulterated in the sense mentioned at the time it was transported from Baltimore to Washington. On inquiry from the Federal Investigator, the defendants furnished to him the name and address of Shocket, their vender, but did not have and could not furnish a written guaranty of purity as to the apple sauce required as a defense to the prosecution for violation of § 331(a), (the one involved in this case), as provided for in § 333(c)(2), hereafter to be particularly noted.

"It will be noted that the exception relied on by counsel for the defendants by its terms applies only where the adulterated food has been '*received in interstate commerce*.' The defendants contend that the facts stated show that the defendants did receive the apple sauce in interstate commerce. I do not think so. The apple sauce was produced in the State of Maryland and sold by the American Stores Company in Maryland to Shocket in Baltimore City, Maryland. An attempt was made by the defendants' counsel to show that some of the 1500 cases of apple sauce sold by the American Stores to



Shocket was at some time produced outside of Maryland and shipped into Maryland, but he did not succeed in showing this on the evidence. He also contends that Shocket knew that Rivolanne intended to transport the 400 cases of apple sauce that it bought, from Baltimore to Washington and there was evidence to that effect; but if so, I do not think that alters the case because the sale by Shocket to Rivolanne was not conditioned upon that disposition, and more particularly, Rivolanne and its officers were charged with the violation of section 331(a) prohibiting the transportation in interstate commerce. The knowledge by Shocket that Rivolanne and LoCastro would transport the adulterated food product out of the State of Maryland was not a defense to the charge against them of unlawful interstate transportation. It is inferable that in accepting the plea of nolo contendere by Shocket the facts shown at the hearing before Judge Watkins also made Shocket responsible for the charge against him jointly with other defendants. But that is not the question now involved as to Rivolanne and LoCastro.

"Counsel for the defendants also contend that the defendants acted in good faith in purchasing the apple sauce in that there was evidence by them (although disputed by Shocket) that they did not know the apple sauce was moldy but on the contrary had been assured by Shocket that it was 'perfect.' And for that reason they requested the Court to instruct the jury that if the jury found the defendants acted in good faith, that was a defense to the charge. I declined to give that instruction because it was not necessary for the Government to prove that the defendants knew or must have known that the apple sauce was adulterated. That has been authoritatively decided to the contrary by the Supreme Court of the United States in the case of *United States v. Dotterweich*, 320 U.S. 277 (1943), and no later case to the contrary has been found. Furthermore, the defense of 'good faith' by the defendants is relevant as to guilt rather than as to the sentence, only if section 333(c)(1) is applicable.

"The Government's contention, which I think correct, is that in construing the whole of §§ 331 and 333, in their legislative history, Congress clearly intended the exception in § 333(c)(1) to be applicable only to a case where the defendant was charged under § 331, subsection (c) which reads as follows:

'The following acts and the causing thereof are hereby prohibited \* \* \* (c) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.' It is to be noted that the exception in § 333(c)(1) is reached in the precise language of the offenses prohibited in § 331(c). I think the tendency to confusion arises from the fact that looking at the whole of §§ 331 and 333 it will be found that the exceptions are directly related not to the particular numerous separate offenses described in § 331, but to the penalty section in § 333(a). I think the proper construction will appear even more clearly when the whole of the Food and Drug Act of 1938 is looked at as it appears in the original statute to be found in 52 Stat. ch. 675, p. 1040.

"The limited applicability of the exception relied on by the defendants (§ 333(c)(1)), is made clearer by reference to the remainder of § 333 which, it will be noted, has other stated exceptions with regard to offenses described in sub-sections (a) and (d) of § 331, and also other exceptions of offenses described in § 331 (b), (c) or (k). With reference to the exception specifically applicable to a violation of § 331(a) (introduction into interstate commerce which is the one here charged) the exception reads:

'(c) No person shall be subject to the penalties of sub-section (a) of this section \* \* \* (2) for having violated section 331 (a) or (d) of this title, if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect, in case of an alleged violation of section 331(a) of this title, that such article is not adulterated or misbranded, within the meaning of this chapter designating this chapter or to the effect, in case of an alleged violation of section 331(d) of this title, that such article is not an article which may not, under the provisions of section 344 or 355 of this title, be introduced into interstate commerce.' In the instant case, the defendants, when the adulterated food product was found in their pos-



session, did furnish the Government's agent with the name and address of Shocket, their vendor, but they did not have any guaranty as to the quality of the food from any one in the United States, and particularly not from the American Stores which produced the product.<sup>1</sup>

"The exception in § 333(c)(1) would seem to apply in cases where a person has received an 'original package' from some other person in another State, and not to a case where a person in a particular State buys the article from another person in the same State. This is well illustrated in the only case which I have found dealing with exception in § 333(c)(1) where under the facts, the exception was held applicable. *United States v. Bess J. Levine*, C.C.H. Fed. Food, Drug, and Cosmetic Law Reporter, Fed. Rulings and Cases, April 1946–April 1950, p. 7096 (D.C.K.D. Pa. 1948, District Judge Welch).

"The only other judicial decision construing the proper application of § 333(c)(1) that I have found is *United States v. Parfait Powder Puff Co.* 163 F. 2d 1008 (7th Cir. 1947). In that case the defendant, Parfait Company, charged under § 333(a) with introducing a prohibited article in interstate commerce, engaged the Helfrich Laboratories to prepare the article, a hair lacquer, furnished most of the materials therefor with containers and addresses for interstate shipment by the Helfrich Co. The latter, apparently without knowledge of the Parfait Company, included in the manufacture of the hair lacquer, a deleterious substance. A defense of the Parfait Company was that § 333(c)(1) applied, contending that in the circumstances the delivery by Helfrich to a common carrier was in effect a receipt of the article by the Parfait Company. The Court denied the application of § 333(c)(1) holding that the Parfait Company was responsible for the interstate shipment by its agent the Helfrich Company, although the substitution of the deleterious substance was unknown or at least not authorized by Parfait. While the facts are different from those of the instant case, the opinion of the Court by District Judge Lindley is most helpful in determining the intent of Congress as to the application of § 333(c)(1). In the course of his opinion relating particularly to that section, it was said: *'It is clear that it was designed to protect innocent dealers who receive goods shipped in interstate commerce.* Thus, in Senate Report No. 493, 73rd Cong., 2d Sess., accompanying S. 2800, the Senate Committee reported as follows: "The existing law provides for a guaranty whereby a dealer who buys on faith may be protected from liability under the law. This provision has safeguarded innocent dealers and has been extremely useful in fixing responsibility on guilty shippers. It would be continued in effect by paragraph (a). The bill affords in this paragraph *further protection to the innocent dealer who distributes goods he has received from interstate sources.* If he has failed to secure a guaranty he can escape penalties by furnishing the records of interstate shipment, thus allowing the prosecution to lie solely against the guilty shipper." It is clear, we think, that the Act was intended to furnish protection to innocent receivers of goods shipped to them in interstate commerce in violation of the Act and not to consignors of such goods, such as defendant.' (Italics supplied.)

"I have carefully considered the legal contention of defendants' counsel in his brief. He cites in support of his contention, in addition to the Parfait case above mentioned (which I think supports the Government's contention rather than his), two cases: *United States v. Sanders*, 196 F. 2d 895 (10th

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<sup>1</sup> Counsel for the Government says that this limited application of the exception in § 333(c)(1) to a charge of violation of § 331(c) has been the consistent contention of the Government with respect to the Food and Drug Act of 1938 for many years past. And in support of this they have shown me the Government's brief for the appellee in the case of *Sullivan v. United States*, 161 F. 2d 629 (5th Cir. 1947) where the legislative history of § 333(c)(1) was quite fully discussed. It is said that it first appeared in an amendment to the Food and Drug Act of 1906 in an Act of the 73rd Congress in 1934, and after criticism by the Government the original language was somewhat revised when it was enacted in 1938 as § 333(c)(1). In the *Sullivan* case (*U.S. v. Sullivan*, 332 U.S. 689 (1948)) the defendant was charged with a violation of subsection (k) of § 331, (alteration or removal of a label), was convicted in the district court but the Court of Appeals for the 5th Circuit reversed and the Government appealed to the Supreme Court where the Court of Appeals was reversed. It is said that the defendant relied at the trial in particular on the exception in § 333(c)(1), but abandoned that contention prior to the hearing in the Supreme Court.



Cir. 1952) and *Drown v. United States*, 198 F. 2d 999 (9th Cir. 1952). These two cases support the proposition that a vendor in one State who sells to a purchaser an adulterated article with the knowledge that the purchaser will forthwith transport it to another State, is liable to prosecution under § 331 (a); and to this effect they are relevant with respect at least to *Shocket*, the defendants' vendor; but they do not in any way tend to exculpate the defendants who themselves actually transported the adulterated product interstate.

"Finally, it should be said that § 333(c)(1) here relied on is an *exception* to the general scheme of the Food and Drug Act which for the protection of the public against impure foods, drugs and cosmetics, was mainly designed to prohibit interstate transportation of adulterated food or related products. It is a well-known rule of construction that even in a criminal case where what is only an exception is relied on as a defense, it must be clearly established to be allowable. The defendants argue that the evidence as a whole was insufficient to establish the fact that the applesauce was moldy when bought in Baltimore by the defendants; but I think it sufficient to say that I found there was evidence legally sufficient to go to the jury to establish the fact.

"For these reasons I have concluded that the motion for a directed judgment of acquittal or in the alternative for a new trial must be and is hereby *overruled* this 20th day of May 1960. The discussion of the motion has been largely related to the proper construction of the provisions of the statute as a matter of law. On the alternative motion for a new trial I do not find any sufficient grounds to allow that as a matter of discretion."

On 6-23-60, the court imposed a fine of \$250 against Rivolanne, Inc., and a fine of \$250 against Frank LoCastro, plus costs.

**27801. Canned apricots.** (F.D.C. No. 46635. S. No. 42-797 T.)

QUANTITY: 650 cases, 24 1-lb. 13-oz. cans each, at King of Prussia, Pa.

SHIPPED: 7-28-61 and 8-2-61, from San Jose, Calif., by U.S. Products Co.

LABEL IN PART: (Can) "Valley Forge Whole Unpeeled Apricots In Light Syrup \* \* \* Distributed by Thriftway Foods, Inc. King of Prussia, Pa."

LIBELED: 11-14-61, E. Dist. Pa.

CHARGE: 403(g)(2)—when shipped, the article purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the name of the optional packing medium present in such food, since its label bore the statement "In Light Syrup" whereas the article was packed in a medium designated as "slightly sweetened water" in such definition and standard.

DISPOSITION: 2-21-62. Consent—delivered to charitable institutions.

### DRIED FRUIT

**27802. Dried prunes.** (F.D.C. No. 46812. S. Nos. 52-881/2 T.)

QUANTITY: 43 cases, each containing 12 2-lb. bags of breakfast prunes, and 46 cases, each containing 12 2-lb. bags of large prunes at Seattle, Wash.

SHIPPED: 10-13-61 and 10-27-61, from Hamilton City, Calif., by James Mills Orchards Co.

LABEL IN PART: (Bag) "Mt. Lassen Brand Breakfast [or "Large"] Prunes \* \* \* Grown and Packed by James Mills Orchards Co., Hamilton City, Calif."

LIBELED: On or about 12-26-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained (43-case lot) insects and rodent hairs, and (46-case lot) *Drosophila* flies and *Drosophila* fly eggs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-29-62. Default—destruction.

### FRESH FRUIT

27803. Fresh oranges. (F.D.C. No. 47018. S. No. 38-213 T.)

QUANTITY: 654 boxes, each box containing 80, 100 or 125 oranges, at New Orleans, La.

SHIPPED: 1-29-61, from Edinburg, Tex., by Wallace Fruit & Vegetable Co.

LABEL IN PART: (Box) "Tex-Glo Brand Texas Citrus Packed and Shipped by Wallace Fruit and Vegetable Co. Edinburg, Texas Valencias, Lot No. 9 Texas Special \* \* \* Count 80 [or "100" or "125"]."

RESULTS OF INVESTIGATION: Examination showed the presence of freeze-damaged oranges.

LIBELED: 2-9-62, E. Dist. La.

CHARGE: 402(a)(3)—when shipped, the article was unfit for food due to freeze damage.

DISPOSITION: 2-15-62. Default—destruction.

### FROZEN FRUIT

27804. Frozen strawberries. (F.D.C. No. 47177. S. Nos. 14-402/3 T.)

QUANTITY: 335 unlabeled wooden crates, at Chicago, Ill.

SHIPPED: 5-24-60 and 6-1-60, from Humboldt, Tenn.

LIBELED: 2-28-62, N. Dist. Ill.

CHARGE: 402(a)(3)—contained moldy strawberries while held for sale.

DISPOSITION: 4-16-62. Default—destruction.

### MISCELLANEOUS FRUIT PRODUCTS

27805. Frozen concentrated orange juice. (F.D.C. No. 46584. S. Nos. 39-696/7 T.)

QUANTITY: 4,618 cases, 48 6-oz. cans each, and 901 cases, 24 12-oz. cans each, at Mount Kisco, N.Y.

SHIPPED: Between 10-10-61 and 10-18-61, from Davenport, Fla., by Ridge Citrus Concentrate, Inc., and from Winter Garden, Fla., by Winter Garden Citrus Co-op.

LABEL IN PART: (Can) "Freshpak Brand \* \* \* Quick Frozen Concentrated Orange Juice \* \* \* Contents of this can are equivalent to the juice of 12 [or "24"] oranges. Distributed by The Grand Union Co., East Paterson, N.J."

RESULTS OF INVESTIGATION: Examination showed the article to be an orange-colored and orange-flavored viscous liquid.

LIBELED: 10-25-61, S. Dist. N.Y.

CHARGE: 403(a)—when shipped, the label statement "Equivalent to the juice of 12 [or "24"] oranges" was false and misleading since it was contrary to fact.

DISPOSITION: 2-13-62. Consent—claimed by Grand Union Co., East Paterson, N.J., and released under bond for relabeling.



**27806. Blueberry pie filling.** (F.D.C. No. 47241. S. No. 11-381 T.)

**QUANTITY:** 71 cases, 12 jars each, at Pittsburgh, Pa.

**SHIPPED:** 2-9-62, from Red Creek, N.Y., by Comstock Foods, Inc.

**LABEL IN PART:** (Jar) "Comstock Blueberry Pie A Complete Filling \* \* \*  
Net Weight 1 Lb. 9 Oz. \* \* \* Comstock Foods, Inc., Newark, New York.

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-13-62, W. Dist. Pa.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-10-62. Default—destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

**27807. Canned corn.** (F.D.C. No. 47142. S. Nos. 4-214 T, 4-712 T.)

**QUANTITY:** 90 cases, 6 6-lb. 10-oz. cans each, at Norfolk, Va.

**SHIPPED:** 12-6-61, from Silver Run, Md., by A. W. Feeser & Co., Inc.

**LABEL IN PART:** (Can) "Preston Brand Cream Style Golden Sweet Corn \* \* \*  
Albert W. Sisk and Son Distributors—Not Manufacturers Preston, Maryland and Aberdeen, Maryland."

**LIBELED:** 2-19-62, E. Dist. Va.

**CHARGE:** 402(a) (3)—contained insects and insect larvae when shipped.

**DISPOSITION:** 3-16-62. Default—delivered to a public institution for use as animal feed.

**27808. Canned field peas with snaps.** (F.D.C. No. 46760. S. No. 4-561 T.)

**QUANTITY:** 78 cases, 24 1-lb. cans each, at Raleigh, N.C.

**SHIPPED:** 8-22-61, from Waynesboro, Ga., by Ploeger Packing Co.

**LABEL IN PART:** (Can) "Golden Isle Tasty Foods Grade A Fancy Field Peas  
With Snaps \* \* \* Packed by The Ploeger Packing Company Canned and  
Frozen Vegetable Division Waynesboro, Georgia."

**LIBELED:** 12-4-61, E. Dist. N.C.

**CHARGE:** 402(a) (3)—contained insect larvae; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 1-11-62. Default—destruction.

**27809. Canned field peas with snaps.** (F.D.C. No. 46915. S. No. 4-577 T.)

**QUANTITY:** 98 cases, 24 1-lb. cans each, at Raleigh, N.C.

**SHIPPED:** 11-27-61, from Waynesboro, Ga., by Ploeger Packing Co.

**LABEL IN PART:** (Can) "Golden Isle Tasty Foods Grade A Fancy Field Peas  
With Snaps \* \* \* Packed by The Ploeger Packing Company \* \* \* Waynes-  
boro, Georgia."

**LIBELED:** 1-19-62, E. Dist. N.C.

**CHARGE:** 402(a) (3)—contained insect larvae and insect parts; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 2-27-62. Default—destruction.

27810. Canned mushrooms. (F.D.C. No. 46820. S. Nos. 19-609/11 T.)

QUANTITY: 11 cases, 48 4-oz. cans each, 4 cases, 24 8-oz. cans each, and 36 cases, 16 16-oz. cans each, at Fort Worth, Tex.

SHIPPED: Prior to 1947, from Avondale, Pa.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: On or about 12-1-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 1-23-62. Default—destruction.

27811. Canned peas. (F.D.C. No. 46889. S. No. 4-501 T.)

QUANTITY: 152 cases, 24 15-oz. cans each, at Charlottesville, Va.

SHIPPED: 9-2-61 and 9-16-61, from Siloam Springs, Ark., by Allen Canning Co.

LABEL IN PART: (Can) "The Allens Early June Peas \* \* \* Prepared from dry Peas \* \* \* Allen Canning Company, Packers & Distributors Siloam Springs, Ark."

RESULTS OF INVESTIGATION: Examination showed the article to be green peas of a smooth skin variety substandard in quality because of the presence therein of an excessive number of ruptured peas and because the amount of alcohol-insoluble solids was more than 23.5 percent.

LIBELED: 1-4-62, W. Dist. Va.

CHARGE: 403(a)—when shipped, the vignette depicting succulent green peas was false and misleading as applied to an article which was prepared from dried peas; 403(g)(2)—the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional pea ingredient present in such food since such definition and standard provides that the label for canned peas shall name the optional pea ingredient present in such food by the use of the words "Dried Early" or "Dried June" or "Dried Early June"; and 403(h)(1)—the article fell below the standard of quality for canned peas since the article contained more than 25 percent by count of peas ruptured to a width of more than  $\frac{1}{16}$ ", and the article was a smooth skin variety of peas and the alcohol-insoluble solids of peas in the container were more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 3-19-62. Default—delivered to a public institution.

27812. Canned peas. (F.D.C. No. 46916. S. No. 17-428 T.)

QUANTITY: 72 cases, 48 15½-oz. cans each, at Middlesboro, Ky.

SHIPPED: 10-12-61, from Atlanta, Ga., by Allied Food Distributors, Inc.

LABEL IN PART: (Can) "Dixie Chef Brand Early June Peas Prepared From Dry Stock \* \* \* Packed By Bilt-More Food Products Co., Inc. Atlanta, Ga."

LIBELED: 1-18-62, E. Dist. Ky.

CHARGE: 403(g)(2)—when shipped, the article purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional pea ingredient present in such food since such definition and standard provides that the label for canned peas shall name the optional pea ingredient present in such food by the use of the words "Dried Early" or



"Dried June" or "Dried Early June" and its label bore the name "Early June Peas"; and 403(h)(1)—the article fell below the standard of quality for canned peas since the article contained more than 25 percent by count of peas ruptured to a width of more than  $\frac{1}{16}$ ", and the article was a smooth skin variety of peas and the alcohol-insoluble solids of peas in the container were more than 23.5 percent, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 3-29-62. Default—destruction.

**27813. Sauerkraut.** (F.D.C. No. 46324. S. Nos. 94-784/5 R.)

QUANTITY: 908 cases, 24 cans each, at Detroit, Mich.

SHIPPED: 5-8-61 and 6-23-61, from Phelps, N.Y., by Empire State Pickling Co.

LABEL IN PART: (Can) "Silver Floss Sauerkraut Net Contents 1 Lb. Packed by Empire State Pickling Co., Phelps, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-28-61, E. Dist. Mich.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-12-62. Default—delivered to a public institution.

**27814. Sauerkraut.** (F.D.C. No. 46922. S. No. 13-777 T.)

QUANTITY: 164 cases, 12 jars each, at Chicago, Ill.

SHIPPED: 11-6-61, from Redgranite, Wis., by Chicago Pickle Co., Inc.

LABEL IN PART: (Jar) "Chipico \* \* \* Fresh Bulk Style Sauerkraut \* \* \* Packed by Chicago Pickle Co., Inc., Chicago, Illinois. Contents: Cabbage. Salt. Water  $\frac{1}{10}$  of 1% Benzoate of Soda 1 Fl. Qt."

RESULTS OF INVESTIGATION: Examination showed that the firm name and address, and ingredient and net content statements were printed at right angles to the principal display panel and in very small type on a two-color label making it difficult to read, and examination showed that the article contained sodium bisulfite, an undeclared chemical preservative.

LIBELED: 1-16-62, N. Dist. Ill.

CHARGE: 403(f)—when shipped, the information required by 403(e)(1), (e)(2), and (i)(2), to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents statement, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since sodium bisulfite was not declared; and 403(k)—the article contained sodium bisulfite, a chemical preservative, and it failed to bear labeling stating that fact.

DISPOSITION: 2-8-62. Default—delivered to charitable institutions.

**27815. Dried black-eyed beans.** (F.D.C. No. 47014. S. No. 22-977 T.)

QUANTITY: 30 100-lb. bags at Twin Falls, Idaho.

SHIPPED: Prior to 10-14-61, from Crows Landing, Calif.

**LIBELED:** 2-6-62, Dist. Idaho.

**CHARGE:** 402(a)(3)—contained rodent urine while held for sale.

**DISPOSITION:** 4-5-62. Default—delivered to a public institution for use as animal feed.

**27816. Romaine lettuce.** (F.D.C. No. 47019. S. No. 51-151 T.)

**QUANTITY:** 78 cases, each containing 20 heads, at Portland, Oreg.

**SHIPPED:** 1-29-62, from Holtville, Calif., by Abatti Produce Co.

**LABEL IN PART:** "Romaine."

**LIBELED:** 2-7-62, Dist. Oreg.

**CHARGE:** 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained pesticide chemicals, namely, DDT and Toxaphene, which are unsafe within the meaning of 408(a) since the quantity of such pesticide chemicals on the article were not within the limits of the tolerance prescribed by regulations.

**DISPOSITION:** 3-12-62. Default—destruction.

**27817. Sweet peppers.** (F.D.C. No. 46752. S. No. 41-346 T.)

**QUANTITY:** 182 cases, 4 gal. jars each, at Bronx, N.Y.

**SHIPPED:** 9-15-61 and 9-26-61, from Buena, N.J., by Alliance Pickle Products, Inc.

**LABEL IN PART:** (Jar) "Colony Brand Sweet Peppers \* \* \* Packed By Alliance Pickle Products, Inc. Buena, N.J."

**LIBELED:** 12-5-61, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained *Drosophila* flies, fly eggs, maggots, and insect parts when shipped.

**DISPOSITION:** 1-15-62. Default—destruction.

**27818. Sweet peppers.** (F.D.C. No. 46783. S. Nos. 41-343 T, 41-347/8 T.)

**QUANTITY:** 325 cases, 4 1-gal. jars each, of red sweet peppers, and 90 cases, 12 1-qt. jars each, of cherry peppers, at Bronx, N.Y.

**SHIPPED:** During September 1961 and 10-8-61, from Buena, N.J., by Alliance Pickle Products, Inc.

**LABEL IN PART:** (Jar) "Colony Brand Sweet Peppers [or "Cherry Peppers"] \* \* \* Packed By Alliance Pickle Products, Inc. Buena, N.J."

**LIBELED:** 12-12-61, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained *Drosophila* flies, maggots, fly eggs, and insect fragments when shipped.

**DISPOSITION:** 1-16-62. Default—destruction.

**27819. Olives.** (F.D.C. No. 47038. S. No. 35-163 T.)

**QUANTITY:** 113 cases, 12 jars each, at Minneapolis, Minn.

**SHIPPED:** 12-8-61 and 1-12-62, from Chicago, Ill., by Specialty Food Packing & Importing Co.

**LABEL IN PART:** (Jar) "Spanish Pride No. 16 Dr. Wt. 9½ Oz. Avd. Spanish Salad Olives with Sweet Peppers \* \* \* Packed by Specialty Food Packing & Importing Co., Chicago, Ill."



RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 2-19-62, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-2-62. Consent—claimed by Specialty Food Packing & Importing Co., and released under bond for relabeling.

**27820. Cocktail mix (pickles) and watermelon crowns (pickles).** (F.D.C. No. 47171. S. Nos. 14-279/80 T.)

QUANTITY: 18 cases, 24 jars each, of cocktail mix; and 13 cases, 24 jars each, of watermelon crowns at Chicago, Ill.

SHIPPED: 11-29-61, from Savannah, Ga., by Fournier, Inc.

LABEL IN PART: (Jar) "Fournier's Cocktail Mix Sweet Pickled Asst. Fruits, Pickles, etc. \* \* \* Net Contents 12½ Oz. Avd. Packed by Fournier, Inc., Savannah, Ga." and "Fournier's Watermelon Crowns Sweet Pickled \* \* \* Net Contents 12½ Ozs. Avd. \* \* \* Packed by Fournier, Inc., Savannah, Ga."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 2-23-62, N. Dist. Ill.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents; and (cocktail mix) 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 3-22-62. Default—destruction.

**27821. Pickled cauliflower.** (F.D.C. No. 47158. S. No. 14-585 T.)

QUANTITY: 21 cases, 24 16-oz. jars each, at Chicago, Ill.

SHIPPED: 10-6-60, from Brooklyn, N.Y., by Victoria Packing Corp.

LABEL IN PART: (Jar) "Cyrilla Brand Cauliflower in Vinegar & Salt and Certified Color \* \* \* Chicago Macaroni & Food Prods. Co. Distributors Chicago, Ill."

LIBELED: 2-19-62, N. Dist. Ill.

CHARGE: 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for canned cauliflower, since it contained an artificial color, which is not permitted as an ingredient of canned cauliflower in such definition and standard.

DISPOSITION: 4-9-62. Default—delivered to public institutions.

## TOMATOES AND TOMATO PRODUCTS

**27822. Canned tomatoes.** (F.D.C. No. 46519. S. No. 46-071 T.)

QUANTITY: 181 cases, 24 1-lb. cans each, and 13 1-lb. cans at St. Louis, Mo.

SHIPPED: 4-24-61, from Prairie Grove, Ark., by Kelley Canning Co.

LABEL IN PART: (Can) "Cove Creek Hand Packed Tomatoes \* \* \* Packed by Kelley Canning Company Prairie Grove, Arkansas PGTOM/8196."

LIBELED: 11-7-61, E. Dist. Mo.

CHARGE: 403(h)(1)—when shipped, the article purported to be and was represented as canned tomatoes, a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard, since the drained weight of the contents of container of the article, as determined by method prescribed in such standard, was less than 50 percent of the weight of the water required to fill the container, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 1-2-62. Consent—claimed by John Kelley, Prairie Grove, Ark., and released under bond for relabeling.

**27823. Canned tomatoes.** (F.D.C. No. 46545. S. No. 4-487 T.)

QUANTITY: 288 cases, 6 6-lb. 6-oz. cans each, at Staunton, Va.

SHIPPED: 9-25-61, from Berkeley Springs, W. Va., by Little Miss Tomatoes, Inc.

LABEL IN PART: (Can) "Skipper Brand Tomatoes \* \* \* Packed \* \* \* by Little Miss Tomatoes, Inc., Berkeley Springs, W. Va."

LIBELED: 11-22-61, W. Dist. Va.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-18-62. Consent—delivered to a public institution for nonfood purposes.

**27824. Canned tomatoes.** (F.D.C. No. 46865. S. No. 10-605 T.)

QUANTITY: 174 cases, 24 1-lb. cans each, at Waterford, N.Y.

SHIPPED: Prior to 11-13-61, from Williamsburg, Md., by Williamsburg Canning Co.

LABEL IN PART: (Can) "Rialto-Brand Tomatoes \* \* \* Distributed by the Grand Union Company East Paterson, N.J."

LIBELED: 12-28-61, N. Dist. N.Y.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 2-8-62. Default—destruction.

**27825. Canned tomatoes.** (F.D.C. No. 47148. S. No. 4-815 T.)

QUANTITY: 142 cases, 24 1-lb. cans each, at Frederick, Md.

SHIPPED: 11-17-61 and 1-16-62, from Berkeley Springs, W. Va., by Cross Roads Canning Co.

LABEL IN PART: (Can) "Stoney Ridge Brand Tomatoes \* \* \* Packed By Cross Roads Canning Co. Berkeley Springs, W. Va."

LIBELED: 2-16-62, Dist. Md.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 3-23-62. Default—destruction.

**27826. Canned tomatoes.** (F.D.C. No. 46761. S. No. 6-256 T.)

QUANTITY: 2,230 cases, 24 1-lb. cans each, at South Portland, Maine.

SHIPPED: 9-29-61, from Williamsburg, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Pine Cone Brand Peeled Tomatoes \* \* \* Albert W. Sisk and Son Distributors \* \* \* Preston, Md. \* \* \* Aberdeen, Md."

LIBELED: 12-1-61, Dist. Maine.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.



DISPOSITION: 12-20-61. Default—destruction.

**27827. Tomato catsup.** (F.D.C. No. 46527. S. Nos. 33-711/2 T.)

QUANTITY: 271 cases, 24 14-oz. btls. each, and 382 cases, 24 12-oz. btls. each, at Minneapolis, Minn.

SHIPPED: 9-5-61, from Royal Center, Ind.

LIBELED: 11-16-61, Dist. Minn.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-28-61. Default—destruction.

**27828. Tomato juice cocktail.** (F.D.C. No. 47000. S. No. 35-150 T.)

QUANTITY: 99 cases, 12 1-pt. 10-oz. btls. each, at Minneapolis, Minn.

SHIPPED: 11-6-61, from South Dayton, N.Y.

LIBELED: 1-31-62, Dist. Minn.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 3-15-62. Default—destruction.

**27829. Tomato puree.** (F.D.C. No. 46536. S. No. 17-325 T.)

QUANTITY: 134 ctns., 6 6-lb. 8-oz. cans each, at Kingsport, Tenn.

SHIPPED: 9-4-61, from Biglerville, Pa., by C. H. Musselman Co.

LABEL IN PART: (Ctn. and can) "Musselman's Tomato Puree \* \* \* Packed by the C. H. Musselman Co. Biglerville, Pa."

LIBELED: 11-21-61, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained fly eggs and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-15-62. Default—destruction.

## MEAT PRODUCTS

**27830. Canned lunch meat.** (F.D.C. No. 46290. S. No. 32-294 R.)

QUANTITY: 179 cases, 24 2-lb. cans each, at San Juan, P.R.

SHIPPED: 3-2-61, from New Haven, Conn.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing progressive decomposition.

LIBELED: 8-24-61, Dist. P.R.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-23-61. Default—destruction.

**27831. Raw beef.** (F.D.C. No. 46336. S. No. 46-901 T.)

QUANTITY: 106 bbls. totaling 28,863 lbs. at St. Louis, Mo.

SHIPPED: 8-25-61, from St. Paul, Minn.

RESULTS OF INVESTIGATION: Investigation showed that the truck in which the meat was being transported broke down and that the meat was exposed to 90 degree heat for three days without refrigeration.

LIBELED: 9-14-61, E. Dist. Mo.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 11-29-61. Default—destruction.

## NUTS

27832. Cashew kernels. (F.D.C. No. 46460. S. No. 2-801 T.)

QUANTITY: 15 cases, 2 25-lb. cans each, at Atlanta, Ga.

SHIPPED: 7-31-61, from New York, N.Y., by American Pistachio Corp.

LABEL IN PART: (Case) "Blanched Cashew Kernels \* \* \* Packed by K. A. Karmin & Sons Quilon, S. India"; "Vitapack Blanched Cashew Kernels Pieces \* \* \* Packed by Gemini Cashew Sales Corp. Quilon, South India P Gemini APC New York"; and "Cashew Kernels \* \* \* Packed by The Kerala Cashew Industries, Kotearakara, S. India."

LIBELED: 9-18-61, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent excreta pellets when shipped.

DISPOSITION: 11-1-61. Consent—claimed by American Pistachio Corp., New York, N.Y. The article was subsequently commingled with the articles involved in the libel actions reported in food notices of judgment, Nos. 27833 and 27834. The commingled lot was segregated resulting in the destruction of 300 lbs.

27833. Cashew kernels. (F.D.C. No. 46435. S. No. 46-149 R.)

QUANTITY: 44 cases, 2 50-lb. cans each, at South El Monte, Calif.

SHIPPED: Subsequent to 7-28-61, from Atlanta, Ga., by American Pistachio Corp.

LABEL IN PART: (Case) "Vitapack Blanched Cashew Kernels Pieces \* \* \* Packed by Gemini Cashew Sales Corp. Quilon, South India."

LIBELED: 9-6-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 11-14-61. Consent—claimed by American Pistachio Corp., New York, N.Y. The article was subsequently commingled with the articles involved in the libel actions reported in food notices of judgment, Nos. 27832 and 27834. The commingled lot was segregated resulting in the destruction of 300 lbs.

27834. Cashew kernels. (F.D.C. No. 46287. S. Nos. 46-150 R, 74-633 R.)

QUANTITY: 50 cases, 2 50-lb. cans each, and 50 cases, 2 25-lb. cans each, at Atlanta, Ga.

SHIPPED: 7-14-61 and 7-18-61, from New York, N.Y.

LIBELED: 8-21-61, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-1-61. Consent—claimed by American Pistachio Corp., New York, N.Y. The article was subsequently commingled with the articles involved in the libel actions reported in food notices of judgment, Nos. 27832 and 27833. The commingled lot was segregated resulting in the destruction of 300 lbs.

27835. Green chestnuts. (F.D.C. No. 47003. S. No. 15-389 T.)

QUANTITY: 22 55-lb. bags at Cincinnati, Ohio.

SHIPPED: 11-15-61, from New York, N.Y.

LIBELED: 1-29-62, S. Dist. Ohio.



**CHARGE:** 402(a)(3)—contained moldy chestnuts while held for sale.

**DISPOSITION:** 3-16-62. Default—delivered to a public institution for use as animal feed.

**27836. Unshelled brazil nuts.** (F.D.C. No. 46823. S. No. 19-785 T.)

**QUANTITY:** 49 cases, 24 1-lb. boxes each, at Fort Worth, Tex.

**SHIPPED:** 11-4-61, from Chico, Calif., by Continental Nut Co.

**LABEL IN PART:** (Box) "Red Ribbon Selected Brazil Nuts Packed By Continental Nut Company Chico, Calif."

**LIBELED:** 12-14-61, N. Dist. Tex.

**CHARGE:** 402(a)(3)—contained rancid, moldy, decomposed, shriveled nuts, and empty shells when shipped.

**DISPOSITION:** 1-23-62. Default—delivered to the Food and Drug Administration for segregation and delivery of the good nuts to a charitable institution.

**27837. Unshelled peanuts.** (F.D.C. No. 47037. S. No. 47-775 T.)

**QUANTITY:** 57 50-lb. bags at Memphis, Tenn., in possession of National Food Stores Warehouse.

**SHIPPED:** 12-4-61, from Portales, N. Mex.

**LIBELED:** 2-15-62, W. Dist. Tenn.

**CHARGE:** 402(a)(3)—contained rodent urine, pellets, and hairs; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-2-62. Consent—claimed by National Food Stores of Louisiana, Inc., Memphis, Tenn.; 41 bags reprocessed and used for seed; 16 bags delivered to a public institution for use as animal feed.

**27838. Unshelled pecans.** (F.D.C. No. 47005. S. No. 47-751 T.)

**QUANTITY:** 10 50-lb. bags at Memphis, Tenn., in possession of Shelby Warehouse, Inc. (Donelson-Poston).

**SHIPPED:** Prior to 12-18-61, from Montgomery, Ala.

**LIBELED:** 2-1-62, W. Dist. Tenn.

**CHARGE:** 402(a)(3)—contained rodent urine, rodent excreta pellets, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-6-62. Default—destruction.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**27839. Sesame seed.** (F.D.C. No. 47015. S. No. 20-727 T.)

**QUANTITY:** 65 100-lb. bags at San Antonio, Tex.

**SHIPPED:** Prior to 5-5-61 and 7-19-61, from Nicaragua.

**LIBELED:** 2-6-62, W. Dist. Tex.

**CHARGE:** 402(a)(3)—contained insects and insect larvae while held for sale.

**DISPOSITION:** 3-20-62. Consent—claimed by H. T. Lawler & Sons, Inc., San Antonio, Tex. Segregated; 37 lbs. destroyed.

**27840. Vanilla extract.** (F.D.C. No. 46473. S. Nos. 87-007/8 R, 87-106 R.)

**QUANTITY:** 1 drum and 56 unlabeled 1-gal. jars, at Dallas, Tex., in possession

of Manor Baking Co.

SHIPPED: (Drum) 7-19-61, from Brooklyn, N.Y., by Felton Chemical Co., Inc.

LABEL IN PART: (Drum) "Manor Baking Co. \* \* \* Pure Vanilla Extract C.T.  
From Felton Chemical Co., Inc., Brooklyn, New York \* \* \* Net 406."

RESULTS OF INVESTIGATION: The article in the jars was repacked by the dealer from two bulk drums labeled as described above, and which were shipped on 5-22-61 and 6-20-61, from Brooklyn, N.Y., by Felton Chemical Co., Inc. Examination showed the article to be a brown liquid resembling vanilla extract, but containing added ethyl vanillin and flavoring material other than true vanilla extractives.

LIBELED: On or about 11-2-61, N. Dist. Tex.

CHARGE: All lots. 402(b)(1)—when shipped, the valuable constituent, vanilla extractives, had been in whole or in part omitted or abstracted from the article; 402(b)(2)—ethyl vanillin and flavoring material other than true vanilla extractives, had been in whole or in part substituted for the article; 402(b)(4)—ethyl vanillin and flavoring material other than true vanilla extractives had been added to the article or mixed or packed therewith, so as to make it appear better or of greater value than it was.

Drum. 403(a)—when shipped, the label statement "Pure Vanilla Extract" was false and misleading; 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of such ingredient; 403(k)—the article contained an artificial flavoring and it failed to bear a label stating that fact.

Repack jars. 403(e)(1)—while held for sale, the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of the contents; 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and 403(k)—the article contained an artificial flavoring and it failed to bear a label stating that fact.

DISPOSITION: 2-24-62. Default—delivered to a public institution.

**27841. Imitation vanilla.** (F.D.C. No. 46517. S. Nos. 17-317 T, 17-319 T.)

QUANTITY: 11 1-qt. btls. and 3 1-gal. btls. at Cincinnati, Ohio.

SHIPPED: 10-21-48 and 9-21-61, from Quincy, Ill., by Flava Mfg. Co.

LABEL IN PART: (Btl.) "Flava Vanilla Vanillin and Coumarin Flavor Contains Vanilla Vanillin Coumarin \* \* \* Flava Mfg. Co., Quincy, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article contained coumarin.

LIBELED: 11-2-61, S. Dist. Ohio.

CHARGE: 402(a)(2)(C)—when shipped (gal. btls.) and while held for sale (qt. btls.), the article contained a food additive, namely, coumarin, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 12-11-61. Default—destruction.

**27842. Frozen chiles.** (F.D.C. No. 46343. S. Nos. 18-301/2 T.)

QUANTITY: 258 cases, 24 ctns. each, at El Paso, Tex.

SHIPPED: 9-8-60 and 8-16-61, from Albuquerque, N. Mex., by Baca's Food Products, Inc. (formerly Caribe Food Products, Inc.).



**LABEL IN PART:** (Ctn. and lid) "Baca's Caribe Brand Frozen Hot Green Chiles \* \* \* Net Wt. 7 Oz. Prepared, Packed and Guaranteed by Baca's Food Products, Inc., Albuquerque, New Mexico."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 9-21-61, W. Dist. Tex.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 11-22-61. Default—delivered to a public institution.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**27843. Cavifer capsules.** (F.D.C. No. 46789. S. No. 39-570 T.)

**QUANTITY:** 300 30-capsule btls. and 598 60-capsule btls. at Santurce, P.R., in possession of Dianovin Pharmaceuticals, Inc.

**SHIPPED:** 4-19-60, from Newark, N.J.

**LABEL IN PART:** (Btl.) "Cavifer \* \* \* Dosis Recomendada: Dos capsulas diarias preferiblemente despues del desayuna y la comida. Indicaciones: En deficiencias de Vitaminas, minerales 7 Amino-acidos \* \* \* Dianovin Pharmaceuticals, Inc. \* \* \* Cada dos capsulas (Dosis diaria) contienen: \* \* \* Acido Folico 2 mgm."

**RESULTS OF INVESTIGATION:** The article was repacked and labeled by the dealer from bulk stock shipped as described above.

**LIBELED:** 1-24-62, Dist. P.R.

**CHARGE:** 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

**DISPOSITION:** 3-22-62. Default—destruction.

**27844. Vitamin A & D candy suckers.** (F.D.C. No. 47147. S. No. 12-249 T.)

**QUANTITY:** 113 boxes, 100 candy suckers each, at Chicago, Ill.

**SHIPPED:** Between 11-7-61 and 12-21-61, from Rochester, N.Y., by Perry's Candies.

**LABEL IN PART:** (Box) "Perry's Vita-Lick Vitamin A & D Candy Suckers \* \* \* Assorted Flavors Approx. 1 Oz. Each \* \* \* Each sucker contains 1000 U.S.P. units Vitamin A 100 U.S.P. units Vitamin D<sub>2</sub> 100 Count Manufactured by Perry's Candies, 255 Pullman Avenue, Rochester 15, N.Y."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 2-15-62, N. Dist. Ill.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 3-13-62. Default—delivered to charitable institutions.

**27845. Hadacol.** (F.D.C. No. 46980. S. No. 16-020 T.)

**QUANTITY:** 34 cases, 24 btls. each, and 187 btls., at Cincinnati, Ohio.

**SHIPPED:** Prior to 10-14-58, from Lafayette, La.

**LABEL IN PART:** (Btl. and ctn.) "Net Contents 8 Fluid Ounces Hadacol A Dietary Supplement \* \* \* 4 Tablespoonfuls (2 Fl. Ozs.) Contain the Vitamins B<sub>1</sub> (Thiamin Hydrochloride) 6 mg."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately 80 percent of the declared amount of vitamin B<sub>1</sub>.

**LIBELED:** 1-12-62, S. Dist. Ohio.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article; and 403(a)—the label statement "4 Tablespoonfuls (2 Fl. Ozs.) contain the vitamins B<sub>1</sub> (Thiamin Hydrochloride) 6 mg." was false and misleading.

**DISPOSITION:** 2-26-62. Default—destruction.

**27846. Hadacol.** (F.D.C. No. 47039. S. No. 35-850 T.)

**QUANTITY:** 201 cases, 12 24-oz. individually ctnd. btls. each, at Minneapolis, Minn.

**SHIPPED:** 3-30-51, from Lafayette, La.

**LABEL IN PART:** (Btl. and ctn.) "Hadacol a Dietary Supplement \* \* \* 4 Tablespoonfuls (2 fl. ozs.) Contain The Vitamins B<sub>1</sub> (Thiamin Hydrochloride) 6 mg."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately 77 percent of the declared amount of vitamin B<sub>1</sub>.

**LIBELED:** 2-16-62, Dist. Minn.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article; and 403(a)—the label statement "4 Tablespoonfuls (2 fl. ozs.) Contain The Vitamins B<sub>1</sub> (Thiamin Hydrochloride) 6 mg." was false and misleading.

**DISPOSITION:** 4-6-62. Default—destruction.

**27847. Gen-Gen Oyster Liver Extract.** (F.D.C. No. 45100. S. No. 25-435 R.)

**QUANTITY:** 9 cases, each containing 10 individually ctnd. btls., at Los Angeles, Calif.

**SHIPPED:** 9-14-60, from Honolulu, Hawaii, by Pacific Pharmaceuticals, Inc.

**LABEL IN PART:** (Ctn.) "30 Day Supply Gen-Gen Oyster Liver Extract \* \* \* 60 Tablets of A High Potency Food Supplement Prepared in Japan \* \* \* Imported and Distributed in U.S.A. By Pacific Pharmaceuticals, Inc., Honolulu, Hawaii \* \* \* Gen-Gen is not a drug but a high potency food supplement. Extracts from 20 to 27 oyster livers are required for each tablet. \* \* \* Ingredients (One Tablet) Milligrams Special Oyster Liver Extract 187.5 Vitamin B<sub>1</sub> (5 times minimum daily requirement) 5.0 Taurine 25.0 Carrot Extract (Radix Panacis) 32.5 \* \* \* The need for Radix Panacis extract and taurine in human nutrition has not been established."

**LIBELED:** 11-22-60, S. Dist. Calif.

**CHARGE:** 403(a)—when shipped, the name of the article "Gen-Gen Oyster Liver Extract" and the label statement "Extract from 21 to 27 oyster livers are required for each tablet" were false and misleading since the article contained ingredients additional to oyster liver extract; and the label statement "High Potency Food Supplement" and "The need for Radix Panacis Extract and taurine in human nutrition has not been established" were false and misleading since the article contained the ingredients oyster liver



extract, taurine, and carrot extract in insignificant amounts for special dietary use.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6571.

DISPOSITION: 2-6-61. Consent—claimed by Pacific Pharmaceuticals, Inc., and released under bond to be brought into compliance with the law.

27848. Wey-Rite. (F.D.C. No. 45078. S. No. 3-457 R.)

QUANTITY: 13 cases, each containing 12 1-lb. 2-oz. cans, and 9 cases, each containing 4 5-lb. cans, at Arlington, Va., in possession of Wey-Rite Potomac Sales Co.

SHIPPED: 9-28-60, from Chicago, Ill., by Life Products International, Inc.

LABEL IN PART: (Can) "Wey-Rite Contains No Drugs or Other Harmful Ingredients \* \* \* Nutritional Health-Weight Control A Delicious Energy Sustaining High Protein Food Alternate! Net Weight \* \* \* Manufactured exclusively for Life Research Corporation, 430 N. Michigan Avenue, Chicago, 11, Illinois R 1954."

ACCOMPANYING LABELING: Circulars enclosed in each case of the article entitled "Sip a Quickie Meal"; circulars entitled "Nutritional Health Protection" which were printed locally at the request of the dealer; and circulars entitled "You'll enjoy Wey-Rite \* \* \* Hints and Tips" and "Nutritional Food for Health and Weight Control" which were obtained from Life Products International, Inc., Chicago, Ill.

LIBELED: On or about 11-2-60, E. Dist. Va.

CHARGE: 403(a)—when shipped and while held for sale, the can label and the accompanying labeling of the article contained statements concerning the nutritional properties of the article which were misleading since they failed to reveal the material fact, in the setting in which they were presented, that the article must be added to milk or other foods to acquire the full nutritional properties stated or implied; 403(a)—the can label and the accompanying labeling of the article contained statements which represented and suggested that the amino acids, arginine, cystine, tyrosine, and histidine, contained in the article are essential in human nutrition which statements were false and misleading since they are contrary to fact; 403(a)—the label statement "The minimum daily requirement for niacin \* \* \* has not been established" and the statements in the accompanying labeling of the article which represented and suggested that the article was a "food concentrate," that "One Wey-Rite serving supplies a complete meal that will satisfy the nutritional need of the normal overweight adult until the next mealtime," that the article was a "low calorie food," that the article would furnish "Balanced meals," that "one serving of the article equals a complete meal," including a meal consisting of a six inch square steak, vegetables, apple, buttered bread, and a glass of milk, that the article was a scientifically controlled balance of all the protein, carbohydrate, fat, vitamins, minerals, and enzymes that are needed for proper nutritional health, that the article was "made from soybeans," containing "all important lecithin which is particularly beneficial for those over 40," that lecithin was essential in corrective nutrition, and that the enzymes in the article were of significant value for special dietary use, which statements were false and misleading since they are contrary to fact; and 403(j)—the article purported to be and was represented as a food for special dietary use

and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin B<sub>2</sub> and niacin supplied by such food when consumed in a specified quantity during the period of one day, and a statement of the quantity of biotin, choline, inositol, vitamin K, folic acid, and para-aminobenzoic acid in a specified quantity of the food, and since the article contained methylcellulose, a nonnutritive substance, the label also failed to bear the word "nonnutritive" in juxtaposition with the name of such substance.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6570.

DISPOSITION: 2-14-61. Consent—claimed by Life Products International, Inc., and brought into compliance with the law by reprocessing, repacking and relabeling.

27849. Mineralpar tablets. (F.D.C. No. 45463. S. No. 50-209 R.)

QUANTITY: 1 unlabeled ctn. containing 10,000 tablets, and 15 labeled boxes each containing 125 tablets, at Denver, Colo., in possession of A. W. Blaine; and 50 lbs. of bulk raw humus and 20,000 unlabeled tablets, at Denver, Colo., in possession of Larre Laboratories, Inc.

SHIPPED: The article "Mineralpar" was prepared by the dealer, A. W. Blaine, from bulk humus which he personally dug in July 1958 from the soil on land located at Panaca, Lincoln County, Nev. The material was then transported by the dealer to Denver, Colo., where it was pulverized. The pulverized material was delivered by the dealer to Larre Laboratories, Inc., where it was formed into tablets. A number of the tablets were carried by the dealer in bulk drums to his residence in Denver, Colo., where he placed the tablets in boxes.

LABEL IN PART: (Box) "Approximately 7 Grain Each \* \* \* MINERALPAR Made By Nature Contains a natural Mineral taken from a natural concentrated mineral deposit. Analysis shows it to be a complex association of Humus matter combined with silicates of Calcium, Potassium, Sodium and Alumina, probably resulting from the decomposition of organic substances such as Chlorophyl and other vegetable compounds. \* \* \* Distributed by Mineralpar Box 53 Cheyenne, Wyoming \* \* \* sold only as a Mineral Supplement To Your Diet."

ACCOMPANYING LABELING: Leaflets entitled "How to Use Mineralpar"; pamphlets entitled "Modern Miracle Men"; leaflets entitled "For All-Around Health Protection"; an undertermined number of "Mineralpar" labels and labeled retail boxes; and a number of copies of customer-signed invoices given to customers at the time of sale on which were listed the diseases, conditions, and symptoms for which the article was sold.

LIBELED: 2-7-61, Dist. Colo.

CHARGE: 403(a)—(article in bulk and as repacked)—the name of the article "Mineralpar" and the label statement "A non-compounded, unadulterated natural mineral" were false and misleading since such name and statement represented and suggested that the article was a mineral, whereas the article was not a mineral but humus; the label statement "contains a natural mineral taken from a natural concentrated mineral deposit" was false and misleading since it was contrary to fact; the box label and the accompanying



leaflets and pamphlets contained false and misleading representations that the article contained significant amounts of numerous minerals for special dietary use; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for calcium, phosphorus, iron and iodine supplied by the article when consumed in a specified quantity during the period of one day, and its label also failed to bear the statement "The need for aluminum, barium, boron, beryllium, chromium, gallium, lithium, manganese, molybdenum, nickel, silicon, strontium, titanium, vanadium, and zirconium in human nutrition has not been established" and a statement of the quantity of aluminum, barium, boron, beryllium, chromium, copper, gallium, lithium, magnesium, manganese, molybdenum, nickel, potassium, silicon, strontium, sodium, titanium, vanadium, and zirconium, in a specified quantity of the article.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6556.

DISPOSITION: 3-31-61. Default—destruction.

27850. Tafco vitamin tablets. (F.D.C. No. 45513. S. Nos. 61-081/3 R.)

QUANTITY: 218 100-tablet btls. of Tafco Geriatric type tablets, and 234 100-tablet btls. of Tafco Therapeutic type tablets, at Wichita, Kans., in possession of Tafco Products.

SHIPPED: 5-6-60, from St. Louis, Mo., by Private Formulae, Inc.

LABEL IN PART: (Btl.) "Tafco Geriatric type tablets with Choline Inositol and Methionine Manufactured for Tafco Products, 3350 S. Osage, Wichita, Kansas \* \* \* Each tablet contains: \* \* \* Vitamin E \* \* \* D1-Methionine \* \* \* \*\*Need has not been established" and "Tafco Therapeutic Type Tablets \* \* \* Manufactured for Tafco Products \* \* \* Each tablet contains: \* \* \* D1 Methionine \* \* \* Vitamin E \* \* \* \*\*Need has not been established."

ACCOMPANYING LABELING: Leaflets entitled "Food Supplements from Nature's Laboratory."

RESULTS OF INVESTIGATION: The leaflets were prepared by the dealer and were used in promoting sales of the article.

LIBELED: 3-22-61, Dist. Kans.

CHARGE: Geriatric type tablets, 403(a)—when shipped, the label statements "Vitamin E \* \* \* D1-Methionine \* \* \* Need has not been established" were false and misleading since they were contrary to fact; when shipped and while held for sale, the labeling contained false and misleading representations that the nutritional requirements of people of older ages are different from adults generally; and that the article would produce vigor and energy, and slow down the aging process; that the article contained significant amounts of lipotropic factors for special dietary use; and that the article would build blood; and 403(j)—when shipped, the article purported to be and was represented as a food for special dietary uses by reason of its mineral content and its label failed to bear as required by regulations, a statement of the quantity of iron, copper, manganese, potassium, zinc, and magnesium in a specified quantity of such food.

Therapeutic type tablets, 403(a)—when shipped, the label statements "D1-Methionine \* \* \* Vitamin E \* \* \* Need has not been established" were false and misleading since they were contrary to fact; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its mineral content and its label failed to bear, as required by regulations, a statement of the quantity of calcium, phosphorus, iodine, and potassium supplied by such food when consumed in a specified quantity of such food.

The libel alleged also that the articles together with a number of vitamin C tablets were misbranded under the provisions of the Act relating to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: 6-1-61. Default—destruction.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27751 TO 27850

### PRODUCTS

	N.J. No.		N.J. No.
Alfalfa meal	27784-27786	Feeds and grains	27784-27791
Applesauce, canned	<sup>1 2</sup> 27800	Fig bars	27751
Apricots, canned	27801	Fish and shellfish	27792-27799
Bakery products	27751-27755	oil	27789
Beans, black-eyed, dried	27815	Flour	27756-27759
Beef, raw	27831	Frog legs, frozen	27796
Black-eyed beans, dried	27815	Frosting mix	27780
Blueberry pie filling	27806	Fruits and vegetables	27800-27829
Brazil nuts, unshelled	27836	fruit, canned	27800, 27801
Candy. <i>See</i> Confectionery.		dried	27802
suckers, containing vitamin A		fresh	27803
& D	27844	frozen	27804
Caramel popcorn	27775	products, miscellaneous	27805, 27806
Cashew kernels	27832-27834	tomatoes and tomato prod-	
Cauliflower, pickled	27821	ucts	27822-27829
Cavifer capsules	27843	vegetables and vegetable prod-	
Cereals and cereal products	27751-27770	ucts	27807-27821
Cherries, chocolate-covered	27772	Gen-Gen Oyster Liver Extract	27847
Chestnuts, green	27835	Grenadine sirup	27778, 27779
Chiles, frozen	27842	Hadacol	27845
Chocolate-covered cherries	27772	Haddock fillets, frozen	27792
Clay (feed supplement)	27787	Herring	27797
Cocktail mix (pickles)	27820	Hershey's instant cocoa mix	27771
Cocoa mix, instant, Hershey's	27771	K l u s k i (Pennsylvania Dutch)	
Cookies	27751, 27752	noodles	27761
Corn, canned	27807	Lettuce, romaine	27816
Cracker(s)	27753	Lunch meat, canned	27830
meal	27770	Macaroni and noodle products	27760-27763
Creme de Menthe sirup	27779	Meal, cracker	27770
Dairy products	27782	Meat, lunch, canned	27830
Dog food, canned	27788	products	27830-27831
Egg(s), frozen	27783	Milk, nonfat, dry	27782
noodles	27761-27763	Mineralpar tablets	27849

<sup>1</sup> Prosecution contested.

<sup>2</sup> Prosecution contested. Contains opinion of the court.



	N.J. No.		N.J. No.
Mix, cocktail (pickles)-----	27820	Shrimp, breaded-----	27794
frosting-----	27780	frozen-----	27793, 27795
instant cocoa, Hershey's-----	27771	Sirup, Creme de Menthe-----	27779
Mushrooms, canned-----	27810	grenadine-----	27778, 27779
Noodles. <i>See</i> Macaroni and		sorghum-----	27776, 27777
noodle products.		Spices, flavors, and seasoning	
Nuts-----	27832-27838	materials-----	27839-27842
Olives-----	27819	Stock-Treet-----	27790-27791
Orange(s) fresh-----	27803	Strawberries, frozen-----	27804
juice, concentrated, frozen----	27805	Suckers, candy, containing vita-	
Oysters, fresh-----	27799	min A & D-----	27844
Peanuts, unshelled-----	27837	Sugar tablets-----	27781
Peas, canned-----	27811, 27812	Tafco vitamin tablets-----	27850
field, with snaps, canned----	27808,	Tomato(es), canned-----	27822-27826
	27809	catsup-----	27827
Pecans, unshelled-----	27838	puree-----	27829
Peppers, sweet-----	27817, 27818	Tortillas-----	27755
Pie filling, blueberry-----	27806	Vanilla extract-----	27840
Pizza, frozen-----	27754	imitation-----	27841
Popcorn, caramel-----	27775	wafers-----	27751
popped-----	27753	Vegetables. <i>See</i> Fruits and vege-	
unpopped-----	27769	tables.	
Prunes, dried-----	27802	Vitamin, mineral, and other prod-	
Rice-----	27768	ucts of special dietary sig-	
Rollmops (fish)-----	27797	nificance-----	27843-27850
Romaine lettuce-----	27816	Watermelon crowns (pickles)---	27820
Salmon, canned-----	27798	Wey-Rite-----	27848
Sauerkraut-----	27813, 27814	Wheat-----	27764-27767
Sesame seed-----	27839	Whey, concentrated-----	27790, 27791
Shellfish. <i>See</i> Fish and shellfish.			

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Abatti Produce Co.:		Barash, Bernard:	
romaine lettuce-----	27816	flour-----	27756
Allen Canning Co.:		Barash, Harold:	
canned peas-----	27811	flour-----	27756
Alliance Pickle Products, Inc.:		Barash, Louis:	
sweet peppers-----	27817, 27818	flour-----	27756
Allied Food Distributors, Inc.:		Bianchi Co.:	
canned peas-----	27812	chocolate-covered cherries-----	27772
American Pistachio Corp.:		Bilt-More Food Products Co.,	
cashew kernels-----	27832, 27833	Inc.:	
American Stores Co.:		canned peas-----	27812
canned applesauce-----	27800	Binder Grain Co.:	
American Sugar Refining Co.:		wheat-----	27764
sugar tablets-----	27781	Blaine, A. W.:	
Ashley's, Inc.:		Mineralpar tablets-----	27849
tortillas-----	27755	Boats. <i>See</i> Cloud and Phantom.	
Baca's Food Products, Inc.:		Buchwald, R. R.:	
frozen chiles-----	27842	cookies, vanilla wafers, and	
		fig bars-----	27731

	N.J. No.		N.J. No.
Burkhalter, S. F.:		Fisher Bros. Co.:	
clay (feed supplement)-----	27787	egg noodles-----	27763
Campbell, L. H., & Sons:		Flava Mfg. Co.:	
alfalfa meal-----	27786	imitation vanilla-----	27841
Cargill, Inc.:		Fournier, Inc.:	
wheat -----	27766	cocktail mix (pickles) and	
Carr-Consolidated Biscuit Co.:		watermelon crowns (pickles)	27820
cookies, vanilla wafers, and fig		Creme de Menthe sirup and	
bars -----	27751	grenadine sirup-----	27779
Chicago Macaroni & Food Prod-		Frozen Food Forum, Inc.:	
ucts Co.:		frozen fresh shrimp-----	27793
pickled cauliflower-----	27821	Gemini Cashew Sales Corp.:	
Chicago Pickle Co., Inc.:		cashew kernels-----	27832, 27833
sauerkraut -----	27814	Gioia Macaroni Co., Inc.:	
Cincinnati Merchandise Ware-		egg noodles-----	27762
house, Inc.:		Gioia Mfg. Co., Inc.:	
nonfat dry milk-----	27782	macaroni products-----	27760
Cisco Cooperative Grain Co.:		Grand Union Co.:	
wheat -----	27767	canned tomatoes-----	27824
Cloud (boat) :		frozen concentrated orange	
frozen haddock fillets-----	27792	juice -----	27805
Colorado Pizza Co.:		Hershey Chocolate Corp.:	
frozen pizza-----	27754	Hershey's instant cocoa mix--	27771
Comstock Foods, Inc.:		Hugo Milling Co.:	
blueberry pie filling-----	27806	alfalfa meal-----	27784, 27785
Continental Nut Co.:		Imperial Minerals Distributing	
unshelled brazil nuts-----	27836	Co.:	
Crackin' Good Bakers, Inc.:		clay (feed supplement)-----	27787
cookies, vanilla wafers, and fig		Isis Wholesale Grocery & Pro-	
bars -----	27751	duce Co.:	
Cross Roads Canning Co.:		flour -----	27756
canned tomatoes-----	27825	Jopling-Eason Wholesale Grocer	
Delmonico Foods, Inc.:		Co.:	
egg noodles-----	27763	flour -----	27758
Dianovin Pharmaceuticals, Inc.:		Kane's Kandies:	
Cavifer capsules -----	27843	candy -----	27774
Eddyleon Chocolate Co., Inc.:		Karmin, K. A., & Sons:	
cookies -----	27752	cashew kernels-----	27832
Emard Packing Co., Inc.:		Kelley Canning Co.:	
canned salmon-----	27798	canned tomatoes-----	27822
Empire Jobbing House. See		Kerala Cashew Industries:	
Shocket, Isadore.		cashew kernels-----	27832
Empire State Pickling Co.:		L & M Supply Co.:	
sauerkraut -----	27813	canned salmon-----	27798
Feeser, A. W., & Co., Inc.:		Larre Laboratories, Inc.:	
canned corn-----	27807	Mineralpar tablets -----	27849
Felton Chemical Co., Inc.:		Life Products International, Inc.:	
vanilla extract-----	27840	Wey-Rite -----	27848
Fillmore, Ralph:		Life Research Corp.:	
alfalfa meal-----	27786	Wey-Rite -----	27848



	N.J. No.
Link, N. C. :	
nonfat dry milk-----	27782
Little Miss Tomatoes, Inc. :	
canned tomatoes-----	27823
LoCastro, Frank :	
canned applesauce-----	<sup>2</sup> 27800
M & M Sorghum Co. :	
sorghum sirup-----	27776
Manor Baking Co. :	
vanilla extract-----	27840
Mills, James, Orchards Co. :	
dried prunes-----	27802
Modern Maid Food Products, Inc. :	
cracker meal-----	27770
Musselman, C. H., Co. :	
tomato puree-----	27829
National Food Stores Warehouse :	
unshelled peanuts-----	27837
National Oats Co. :	
unpopped popcorn-----	27769
New Orleans Shrimp Co., Inc. :	
frozen shrimp-----	27793, 27795
Old London Foods, Inc. :	
crackers and popped popcorn--	27753
Pacific Pharmaceuticals, Inc. :	
Gen-Gen Oyster Liver Extract--	27847
Peavey, F. H., Occident Elevator	
Co. :	
wheat -----	27765
Penick & Ford, Ltd., Inc. :	
frosting mix-----	27780
Perry's Candies :	
vitamin A & D candy suckers--	27844
Phantom (boat) :	
frozen haddock fillets-----	27792
Ploeger Packing Co. :	
canned field peas with snaps--	27808,
	27809
Prince Michigan Macaroni Mfg.	
Co. :	
egg noodles and Kluski noodles--	27761
Private Formulae, Inc. :	
Tafco vitamin tablets-----	27850
Red Dot Foods, Inc. :	
caramel popcorn-----	27775
Resch, G. F. :	
cookies, vanilla wafers, and fig	
bars -----	27751

<sup>1</sup> Prosecution contested.  
<sup>2</sup> Prosecution contested. Contains opinion of the court.

	N.J. No.
Ridge Citrus Concentrate, Inc. :	
frozen concentrated orange	
juice -----	27805
Rivolanne, Inc. :	
canned applesauce-----	<sup>2</sup> 27800
Sacks, Sol :	
canned applesauce-----	<sup>1</sup> 27800
Safeway Stores Candy Plant :	
Roxbury brand candies-----	27773
Safeway Stores, Inc. :	
Roxbury brand candies-----	27773
Shelby Warehouse, Inc. (Donel-	
son-Poston) :	
unshelled pecans-----	27838
Shocket, Isadore :	
canned applesauce-----	27800
Sisk, Albert W., & Son :	
canned corn-----	27807
canned tomatoes-----	27826
Snyder, George, Co. :	
egg noodles and Kluski noodles	27761
Specialty Food Packing & Im-	
porting Co. :	
olives -----	27819
Sved, Sol :	
rice -----	27768
Tafco Products :	
Tafco vitamin tablets-----	27850
Thriftway Foods, Inc. :	
canned apricots-----	27801
Timberlake Grocery Co. of Al-	
bany, Inc. :	
flour -----	27757
Triple F Foods Co. :	
concentrated whey-----	27790, 27791
U.S. Products Co. :	
canned apricots-----	27801
Union Fish Co. See Rivolanne,	
Inc.	
United Food Stores, Inc. :	
flour -----	27759
Van Camp Laboratories, Div. of	
Van Camp Sea Food Co. :	
fish oil-----	27789
Van Camp Sea Food Co. See Van	
Camp Laboratories.	
Victoria Packing Corp. :	
pickled cauliflower-----	27821
Virginia Dare Extract Co., Inc. :	
grenadine sirup-----	27778

	N.J. No.		N.J. No.
Vita Food Products, Inc.:		Wey-Rite Potomac Sales Co.:	
herring and rollmops (fish)---	27797	Wey-Rite -----	27848
Wallace Fruit & Vegetable Co.:		Williamsburg Canning Co.:	
fresh oranges-----	27803	canned tomatoes-----	27824
Watson, C. S.:		Winter Garden Citrus Coop.:	
sorghum sirup-----	27777	f r o z e n concentrated orange	
Western Shell Fish Co., Inc.:		juice -----	27805
breaded shrimp-----	27794	Zibilich, Paul, Co., Inc.:	
		fresh oysters-----	27799



2N7

# U.S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27851-27900

#### FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent; and (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere or, in one case, upon a verdict of not guilty after a trial. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., August 23, 1962.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 27851-27900

*Adulteration*, Section 402(a) (1), the article contained a deleterious substance which might render it injurious to health; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because the quantity of the pesticide chemical in or on the raw agricultural commodity was not within the limits of a tolerance prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; Section 403(f), a word, statement, or other information required by, or under authority of, the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## BEVERAGES AND BEVERAGE MATERIALS\*

27851. Instant coffee. (F.D.C. No. 47045. S. No. 16-825 T.)

QUANTITY: 31 cases, 18 jars each, at Cincinnati, Ohio.

SHIPPED: Between 1-22-62 and 1-31-62, from Brooklyn, N.Y., by Great Atlantic & Pacific Tea Co.

LABEL IN PART: (Jar) "Jumbo Size 10 Ounces Net Weight A & P Fresh Instant Coffee \* \* \* The Great Atlantic & Pacific Tea Co., Inc., Distributor, New York, N.Y."

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\*See also No. 27891.



RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 2-16-62, S. Dist. Ohio.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-16-62. Default—delivered to a charitable institution.

**27852. Instant coffee.** (F.D.C. No. 47249. S. No. 16-838 T.)

QUANTITY: 63 cases, 12 jars each, at Richmond, Ind.

SHIPPED: 2-12-62, from Toledo, Ohio, by Woolson Spice Co.

LABEL IN PART: (Jar) "Eavey's 100% Pure Instant Coffee Net Wt. 6 Oz. \* \* \* Distributed by Henry J. Eavey, Inc., Richmond, Indiana."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-2-62, S. Dist. Ind.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-12-62. Consent—claimed by Woolson Spice Co., and released under bond for repacking.

**27853. Roasted coffee.** (F.D.C. No. 47218. S. No. 21-999 T.)

QUANTITY: 86 cases, 24 cans each, at Pueblo, Colo.

SHIPPED: 10-2-61, from St. Louis, Mo., by James J. O'Conner Coffee Co.

LABEL IN PART: (Can) "Shurfine Coffee One Pound Net Weight Drip Grind \* \* \* Distributed by Central Retailer Owned Grocers, Inc., Northlake, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 2-28-62, Dist. Colo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-23-62. Default—delivered to a public institution.

**27854. Tea.** (F.D.C. No. 47165. S. No. 5-252 T.)

QUANTITY: 29 cases, 24 boxes each, at Raleigh, N.C.

SHIPPED: 1-29-62, from Baltimore, Md., by McCormick & Co., Inc.

LABEL IN PART: (Box) "Net Wt.  $\frac{1}{4}$  Lb. \* \* \* McCormick Black Tea \* \* \* McCormick & Co., Inc., Baltimore, Md."

RESULTS OF INVESTIGATION: Examination showed that the quantity of contents statement was inconspicuous due to being printed in very small type on a poorly contrasting background.

LIBELED: 3-2-62, E. Dist. N.C.

CHARGE: 403(f)—when shipped, the information required under 403(e) (2) to appear on the label, namely, the quantity of contents statement, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 4-17-62. Default—delivered to a charitable institution.

**27855. Tea.** (F.D.C. No. 47253. S. No. 16-839 T.)

QUANTITY: 24 cases, 24 ctns. each, at Richmond, Ind.

SHIPPED: 2-9-62, from Chicago, Ill., by Irwin-Harrisons-Whitney, Inc.

LABEL IN PART: (Ctn.) "Eavey's Brand Iced Tea \* \* \* Net Wt. 8 ozs. Henry J. Eavey Inc., Richmond, Ind.—Distributors."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-2-62, S. Dist. Ind.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of quantity of contents.

DISPOSITION: 4-12-62. Consent—claimed by Irwin-Harrisons-Whitney, Inc., and released under bond for repacking.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

27856. Bread. (F.D.C. No. 45569. S. Nos. 77-124/5 P, 43-496/9 R.)

INFORMATION FILED: 7-27-61, W. Dist. Wash., against Lippman's Bakery, Inc., Seattle, Wash.

SHIPPED: Between 11-30-59 and 6-30-60, from Washington to Oregon.

LABEL IN PART: (Pkg.) "Lippman's Bakery Seattle, Wash. Lippman's Slim Rye Min. Wt. 15 Ozs." and "Ann Palmer's Bakeries Portland, Ore. Whole Rye Bread [or "Pumpernickel Bread" or "Caraway Rye Bread"] Baked by Lippman's of Seattle, Wn. Minimum Weight 15 Oz."

CHARGE: 402(a) (3)—portions of the articles contained insects, insect fragments, and rodent hairs; and 402(a) (4)—all portions of the articles were prepared, packed, and held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-18-61. \$500 fine and probation for 5 years.

27857. Bread. (F.D.C. No. 45684. S. No. 35-106 R.)

INFORMATION FILED: 9-14-61, Dist. N.J., against Zimmerman's Bakery, a partnership, Elizabeth, N.J., and Sanders Zimmerman, partner.

SHIPPED: 7-14-60, from New Jersey to Pennsylvania.

LABEL IN PART: (Pkg.) "Zimmerman's Family Size Old Fashion Table Rye \* \* \* Zimmerman's Bakery, Elizabeth, N.J. \* \* \* Net Wt. 1 lb. 8 ozs."

CHARGE: 402(a) (3)—contained insect fragments; and 402(a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-29-61. Each defendant fined \$250.

27858. Bread. (F.D.C. No. 46012. S. Nos. 53-287 R, 99-625/8 R.)

INFORMATION FILED: 8-22-61, Dist. Mass., against Harry Lokas, t/a Liberty Bell Baking Co., Lawrence, Mass.

SHIPPED: Between 11-14-60 and 1-5-61, from Massachusetts to New Hampshire.

LABEL IN PART: (Pkg.) "Light [or "Dark"] Jewish Rye Bread Liberty Bell Bakery Lawrence, Mass." and "Jewish Pumpernickel Bread Liberty Bell Bakery Lawrence, Mass."

CHARGE: 402(a) (3)—contained rodent hair fragments and insect parts; and 402(a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-4-61. \$750 fine.



**27859. Bread and rolls.** (F.D.C. No. 46009. S. Nos. 53-195/6 R, 53-199 R.)

**INFORMATION FILED:** 11-20-61, Dist. Mass., against My Own Quality Bakery, Inc., Fall River, Mass., and Israel Lipson, treasurer and manager.

**SHIPPED:** 11-25-60, from Massachusetts to Rhode Island.

**LABEL IN PART:** "Lipson's PORT BREAD BAKED BY MY OWN QUALITY BAKERY, INC. FALL RIVER, MASS." and "Lipson's 6 JEWISH ROLLS BAKED BY MY OWN QUALITY BAKERY, INC. FALL RIVER, MASS."

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 12-4-61. Corporation—\$500 fine; individual—\$2,000 fine.

**27860. Bread crumbs.** (F.D.C. No. 46787. S. No. 39-816 T.)

**QUANTITY:** 88 50-lb. unlabeled bags at North Bergen, N.J.

**SHIPPED:** 10-6-61, from Brooklyn, N.Y., by Gourmet Toast Co.

**LIBELED:** 12-13-61, Dist. N.J.

**CHARGE:** 402(a)(1)—when shipped, the articles, contained a deleterious substance, namely, iron fragments, which may have rendered it injurious to health; 402(a)(3)—contained insect parts, rodent hairs, and cat hairs; 402(a)(4)—prepared and packed under insanitary conditions; 403(e)(1)—its label failed to bear the name and address of the manufacturer, packer, or distributor; and 403(e)(2)—the label failed to bear a statement of the quantity of contents.

**DISPOSITION:** 2-15-62. Default—destruction.

**27861. Melba toast and melba rounds.** (F.D.C. No. 47189. S. Nos. 8-280 T, 8-412 T.)

**QUANTITY:** 46 ctns., 48 boxes each, of melba toast, and 59 ctns., 48 boxes each, of melba rounds, at Cambridge, Mass.

**SHIPPED:** 1-22-62 and 1-29-62, from Bronx and Brooklyn, N.Y., by Old London Foods, Inc.

**LABEL IN PART:** (Box) "Old London Unsalted Melba Toast for low-salt diets only 16 calories per slice unsalted white \* \* \* Net Wt. 4 Ozs. baked by Old London Foods, Inc., New York, N.Y." and "Old London Melba Rounds White \* \* \* Baked by King Kone Corp. New York, N.Y. Net Wt. 4 Ozs."

**RESULTS OF INVESTIGATION:** Examination showed that the articles were short weight.

**LIBELED:** 3-2-62, Dist. Mass.

**CHARGE:** 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-16-62. Default—delivered to a public or charitable institution.

**27862. Cakes.** (F.D.C. No. 47285. S. Nos. 47-003/4 T.)

**QUANTITY:** 50 cases (C-B Creams) and 20 cases (Chocolate MM), each case containing 5 ctns. of 40 pkgs. each, at Memphis, Tenn.

**SHIPPED:** 3-20-62, from Jackson, Miss., by Dixie Cookie Co.

**LABEL IN PART:** (Pkg.) "Good \* \* \* Cake Ingredients: \* \* \* Net Wt. 1¼ Ozs. Dixie Cookie Company Jackson, Mississippi."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 4-6-62, W. Dist. Tenn.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-18-62. Default—delivered to charitable institutions.

27863. Cookies. (F.D.C. No. 47146. S. Nos. 15-359/60 T.)

QUANTITY: 26 cases of 10 boxes each, each box containing 30 pkgs., of chocolate cookies; and 5 cases of 10 boxes each, each box containing 30 pkgs., of dark and light cookies, at Louisville, Ky.

SHIPPED: 1-18-62 and 1-22-62, from Atlanta, Ga., by Gordon Foods, Div. of Sunshine Biscuits, Inc.

LABEL IN PART: "Gordons 'Quick Snak' Creme Filled Sandwiches Chocolate Flavored [or "Duplex"] \* \* \* Net Wt. 1 oz. Mfd. by Gordon Foods Div. Sunshine Biscuits, Inc., Atlanta, Ga."

RESULTS OF INVESTIGATION: Examination showed that the ingredients and quantity of contents statements were printed in a dark brown colored ink on clear cellophane and were inconspicuous against the dark cookies in the background.

LIBELED: 1-24-62, W. Dist. Ky.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (2), (i) (2), and (k) to appear on the label, namely, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavor and color, were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 4-4-62. Default—delivered to a charitable institution.

## FLOUR

27864. Flour. (F.D.C. No. 45977. S. Nos. 18-554/7 R.)

INFORMATION FILED: 7-19-61, Dist. N. Mex., against Associated Grocers Cooperative of New Mexico, Inc., Albuquerque, N. Mex.

ALLEGED VIOLATIONS: Between 8-31-60 and 12-7-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building accessible to birds and to be exposed to contamination by birds, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-7-61. \$250 fine.

27865. Flour. (F.D.C. No. 45667. S. Nos. 66-063/5 R.)

INFORMATION FILED: 8-17-61, W. Dist. Tenn., against Leon S. Rose, Jr., t/a Rose Warehouse Co., Memphis, Tenn.

ALLEGED VIOLATIONS: Between 11-9-60 and 1-31-61, while a quantity of flour was being held for sale after shipment in interstate commerce, the defendant



caused the flour to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the flour being adulterated.

CHARGE: 402(a)(3)—contained rodent urine, rodent excreta, and a rodent nest; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-8-61. \$500 fine.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**27866. Rice and flour.** (F.D.C. No. 44646. S. Nos. 64-193/5 P.)

INFORMATION FILED: 3-1-61, Dist. Mass., against Samuel Kurr, t/a Samuel Kurr & Co., Boston, Mass.

ALLEGED VIOLATIONS: Between 2-2-59 and 10-15-59, while quantities of rice and flour were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the articles contained moths and moth larvae, a portion of the rice contained rodent urine and excreta; and 402(a)(4)—the articles were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-9-61. \$1,000 fine.

**27867. Rice.** (F.D.C. No. 47231. S. No. 16-067 T.)

QUANTITY: 42 25-lb. bags at Kingsport, Tenn., in possession of Frank's Food Co.

SHIPPED: 10-3-61 and 12-1-61, from Abbeville, La.

LIBELED: 3-8-62, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-9-62. Default—destruction.

**27868. Unpopped popcorn and raisins.** (F.D.C. No. 46378. S. Nos. 19-092/5 R, 19-098/100 R, 51-582/4 R.)

INFORMATION FILED: 11-3-61, Dist. N. Mex., against Ray C. Shockey, t/a Ray's Bean Co., Mountainair, N. Mex.

ALLEGED VIOLATIONS: Between 11-20-58 and 2-8-61, while quantities of unpopped popcorn and raisins were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building accessible to and infested with insects and rodents and to be exposed to contamination by insects and rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the popcorn contained insects, insect webbing, insect fragments, insect-damaged kernels, insect excreta pellets, mouse excreta pellets, a dead mouse, dirt, moldy kernels and mouse-damaged kernels; the raisins contained insects; and 402(a)(4)—the articles were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-14-61. \$100 fine.

27869. Unpopped popcorn. (F.D.C. No. 47290. S. No. 47-001 T.)

QUANTITY: 22 100-lb. bags at Memphis, Tenn., in possession of Poston Warehouses, Inc.

SHIPPED: 6-14-61, from Watseka, Ill.

LIBELED: 4-11-62, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects, insect fragments, insect larvae, and insect excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-11-62. Default—destruction.

## CONFECTIONERY

27870. Candy. (F.D.C. No. 45563. S. Nos. 31-758/9 R, 46-072/3 R.)

INFORMATION FILED: 6-19-61, M. Dist. Ga., against Southern Confectioners, Inc., Columbus, Ga.

SHIPPED: Between 6-10-59 and 9-12-60, from Georgia to Mississippi and Alabama.

LABEL IN PART: (Pkg.) "QUALITY CANDIES Packed By Southern Confectioners Inc. Columbus, Ga."; "PEANUT BUTTER BAR Southern Confectioners, Inc. Columbus, Georgia Net Wt. 75/100th OZ." and "Southern Confectioners, Inc. Columbus, Georgia Net Wt. 1 Oz. Ingredients: Sugar, Corn Syrup, Cocoanut, Maize, Egg Whites (Milk and Cocoa When Added) Salt, Soda, Artificial Color and Flavor, or Sugar, Corn Syrup, Peanuts, Puffed Wheat, Soda, Salt."

CHARGE: 402(a)(3)—contained larvae, insects, insect fragments, insect pupae, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-5-61. \$1,200 fine.

27871. Candy. (F.D.C. No. 45975. S. No. 51-019 R.)

INFORMATION FILED: 8-2-61, Dist. N. Mex., against Emry A. Phillips, manager of Gholson Bros. Candy Co., Albuquerque, N. Mex.

ALLEGED VIOLATIONS: Between 3-17-60 and 1-12-61, while quantities of candy were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained mouse excreta pellets; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-27-61. \$150 fine.

27872. Candy. (F.D.C. No. 47166. S. No. 7-859 T.)

QUANTITY: 49 ctns., 24 boxes each, at East Providence, R.I.

SHIPPED: 1-3-62, from East Boston, Mass., by Royal Confectionery Co.

LABEL IN PART: (Box) "Net Wt. 14 Oz. Aunt Mary Home Style Chocolate with Fruits and Nuts Ingredients: \* \* \* Artificial Flavors \* \* \* Manufactured by Aunt Mary Chocolates Boston, Mass."



**RESULTS OF INVESTIGATION:** Examination showed that the manufacturer's name and address, statement of ingredients, and declaration of artificial flavors were inconspicuous due to being printed in very small type on a mottled background making it difficult to read.

**LIBELED:** 2-23-62, Dist. R.I.

**CHARGE:** 403(f)—when shipped, the information required by 403 (e) (1), (i) (2), and (k) to appear on the label, namely, the manufacturer's name and place of business, the statement of ingredients, and the declaration of artificial flavors, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient, since "Fruits" and "Nuts" were generic terms and the label did not specify which fruits, and which nuts were used.

**DISPOSITION:** 4-9-62. Consent—claimed by Royal Confectionery Co., and released under bond for relabeling.

**27873. Candy.** (F.D.C. No. 47279. S. No. 45-543 T.)

**QUANTITY:** 392 boxes, each containing 30 assorted individually wrapped candy bars, at Memphis, Tenn.

**SHIPPED:** 1-16-62 and 2-22-62, from Centralia, Ill., by Hollywood Brands, Inc.

**LABEL IN PART:** (Shipping ctn.) "Stock No. 65 Marty's 130 Week End Special Mfg. by Hollywood Brands, Inc., Centralia, Illinois" and (candy bars) "Big Pay Peanut Chocolate Nougat \* \* \* Net Wt. 2 oz."

**RESULTS OF INVESTIGATION:** Examination showed that the 2-oz. size "Big Pay" candy bar was short weight.

**LIBELED:** 4-5-62, W. Dist. Tenn.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 5-3-62. Default—delivered to charitable institutions.

**27874. Candy.** (F.D.C. No. 47379. S. No. 55-973 T.)

**QUANTITY:** 126 ctns., 12 plastic containers each, at Linden, N.J.

**SHIPPED:** 1-11-62, from Salem, Mass., by Snow Crest Beverages, Inc.

**LABEL IN PART:** (Lid) "Snow Crest Snow Caps Net Wt. 5 Ozs. Ing: \* \* \* Vegetable Butter \* \* \* Packed by Snow Crest Beverages, Inc. Salem, Mass."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-15-62, Dist. N.J.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i) (2)—the article was fabricated from two or more ingredients and it failed to bear a label containing the common or usual name of each ingredient, since "Vegetable Butter" was not the common or usual name of that ingredient.

**DISPOSITION:** 4-24-62. Default—delivered to charitable institutions.

**27875. Chocolate candy rolls.** (F.D.C. No. 46890. S. No. 40-707 T.)

**QUANTITY:** 50 cases, each containing 24 bags of individually wrapped pieces of candy, at Linden, N.J.

SHIPPED: 11-17-61, from Brooklyn, N.Y., by Phoenix Candy Co., Inc.

LABEL IN PART: (Bag) "More Than 50 Eljay Chocolate flavored Rolls 'Real-e-e Chocolate-e-e-e' \* \* \* Net Weight 9¼ Ounces These Delicious Candies Contain: \* \* \* Cocoa, Chocolate Liquor \* \* \* Mfg. For Eljay Service Linden, New Jersey."

RESULTS OF INVESTIGATION: Examination showed the article to be chocolate-flavored, chewy, candy rolls. The net weight and ingredient statement and the name and address of the distributor were printed in brown ink on a clear plastic bag and were inconspicuous against the background of the dark brown wrappers of the individual pieces of candy.

LIBELED: 1-3-62, Dist. N.J.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), (i)(2), and (k) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, the common or usual name of each ingredient, and the declaration of the fact that artificial flavor had been added, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-13-62. Default—delivered to charitable institutions.

**27876. Chocolate chips.** (F.D.C. No. 47234. S. No. 28-469 T.)

QUANTITY: 39 cases, 12 bags each, at Cedar Rapids, Iowa.

SHIPPED: 1-17-62, from Minneapolis, Minn., by United Packaging Service.

LABEL IN PART: (Bag) "Semi-Sweet Chocolate Chips Net Weight 12 Ounces \* \* \* Distributed by United Packaging Service, Minneapolis, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-8-62, N. Dist. Iowa.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-23-62. Default—delivered to a charitable institution.

**27877. Peppermint lozenges.** (F.D.C. No. 47442. S. No. 43-990 T.)

QUANTITY: 124 cases, 12 bags each, at Philadelphia, Pa.

SHIPPED: 12-29-61 and 3-9-62, from Malden, Mass., by Edgar P. Lewis & Sons, Inc.

LABEL IN PART: (Bag) "Lewis \* \* \* Peppermint Lozenges Net Wt. 10 Oz. \* \* \* Made by Lewis & Sons, Malden, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was contained in clear cellophane bags on which the name and address of the manufacturer and the statement of ingredients were printed in white ink, making it difficult to read against the white candy in the background.

LIBELED: 4-10-62, E. Dist. Pa.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1) and (i)(2) to appear on the label, namely, the manufacturer's name and place of business, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other



words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-9-62. Default—destruction.

## DAIRY PRODUCTS

### BUTTER

27878. Butter. (F.D.C. No. 44650. S. Nos. 86-631 P, 8-461 R.)

INFORMATION FILED: 8-22-60, W. Dist. N.Y., against Pavilion Creamery Co., Inc., Rochester, N.Y.

ALLEGED VIOLATIONS: On 1-14-53 and 3-31-55, the defendant gave to two firms engaged in the business of shipping butter in interstate commerce, guaranties to the effect that butter delivered by the defendant under the guaranties would not be adulterated. On 2-2-60 and 2-29-60, the defendant caused to be delivered to the holders of the guaranties quantities of butter which was adulterated.

CHARGE: 402(b) (1)—a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Guilty.

DISPOSITION: 10-10-60. \$500 fine.

27879. Butter. (F.D.C. No. 45970. S. No. 35-960 R.)

INFORMATION FILED: 7-18-61, Dist. Nebr., against Forrest G. Miller, a partner in the partnership of Farmers Creamery, Pender, Nebr.

SHIPPED: 8-29-60, from Nebraska to Ohio.

CHARGE: 402(b) (1)—when shipped, a valuable constituent, milk fat, had been in part omitted from the article; and 402(b) (2)—a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

PLEA: Nolo contendere.

DISPOSITION: 10-5-61. \$100 fine which was suspended.

27880. Butter. (F.D.C. No. 43771. S. No. 62-895 T.)

QUANTITY: 79 64-lb. boxes, at St. Paul, Minn.

SHIPPED: 3-19-62, from Bismarck, N. Dak., by Capital Milk Products Co.

LABEL IN PART: "Butter Armour Creameries Distributors Gen'l Office—Chicago, Ill. CREAMERY BUTTER Keep Refrigerated."

LIBELED: 4-3-62, Dist. Minn.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 5-10-62. Consent—claimed by Capital Milk Products Co., and released under bond to be reworked.

### CHEESE

27881. Romano cheese. (F.D.C. No. 47049. S. Nos. 12-542/3 T.)

QUANTITY: 89 cheeses, 2,126 lbs. total, at Blanchardville, Wis.

SHIPPED: 12-7-61, from Forreston, Ill., by Forreston Swiss Cheese Co.

**LIBELED:** 2-19-62, W. Dist. Wis.

**CHARGE:** 402(a)(3)—contained a filthy substance by reason of having been prepared from filthy milk; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 4-7-62. Default—destruction.

### MILK

**27882. Nonfat dry milk.** (F.D.C. No. 47226. S. No. 47-781 T.)

**QUANTITY:** 36 cases, 24 pkgs. each, at Memphis, Tenn.

**SHIPPED:** 12-13-61, from Belleville, Wis., by Pet Milk Co.

**LABEL IN PART:** (Pkg.) "4 Quart Handy Size Pet Instant Nonfat Dry Milk Net Wt. 12 $\frac{4}{5}$  Ozs. \* \* \* Pet Milk Company, St. Louis 1, Missouri."

**RESULTS OF INVESTIGATION:** Examination showed that a cookbook was spot-glued to the front panel of each package and that the book and package were enclosed in cellophane which could not be removed at the time of purchase, making the quantity of contents statement inconspicuous due to being covered by the cookbook.

**LIBELED:** 3-5-62, W. Dist. Tenn.

**CHARGE:** 403(f)—when shipped, the information required under 403(e)(2) to appear on the label, namely, the quantity of contents statement, was not placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 4-16-62. Default—delivered to a charitable institution.

**27883. Evaporated goat milk.** (F.D.C. No. 47383. S. No. 5-503 T.)

**QUANTITY:** 10 cases, 24 14-oz. cans each, at Baltimore, Md.

**SHIPPED:** 4-27-60, from Culver City, Calif., by Jackson-Mitchell Pharmaceuticals, Inc.

**LABEL IN PART:** (Can) "Meyenberg Brand Evaporated Goat Milk with Added Vitamins B<sub>6</sub> and B<sub>12</sub> and Folic Acid \* \* \* fortified with the addition of the following vitamins: 1 Mg. Vitamin B<sub>6</sub>, 1 Mg. Folic Acid, 1 Mcg. Vitamin B<sub>12</sub> \* \* \* Packed by Meyenberg Milk Products Co. San Francisco, California Packed For Jackson-Mitchell Pharmaceuticals, Inc. Culver City, California."

**LIBELED:** 3-19-62, Dist. Md.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

**DISPOSITION:** 4-13-62. Default—destruction.

### EGGS

**27884. Frozen eggs.** (F.D.C. No. 45245. S. No. 68-348 P.)

**INFORMATION FILED:** 8-24-61, N. Dist. Ga., against Superior Eggs, Inc., Forest Park, Ga., and A. Ervin Goldberg, president.

**SHIPPED:** 10-9-59, from Georgia to Pennsylvania.

**LABEL IN PART:** (Can) "SUPERIOR 'Taste the Difference' WHOLE EGGS 30 Pounds Net Packed by SUPERIOR EGGS, INC. FOREST PARK, GA."



CHARGE: 402(a)(3)—when shipped, contained decomposed eggs.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 11-13-61.

The trial was concluded on 11-14-61 with a return of a verdict of not guilty.

**27885. Incubator reject eggs.** (F.D.C. No. 46013. S. Nos. 69-782/3 R.)

INFORMATION FILED: 1-29-62, Dist. Md., against A. W. Perdue & Son, Inc., Salisbury, Md.

SHIPPED: 4-21-61, from Salisbury, Md., to a point on U.S. 13 near Laurel, Del.

CHARGE: 402(a)(3)—when shipped, the food consisted in part of a decomposed substance by reason of the presence of decomposed eggs, and was otherwise unfit for food by reason of the presence of eggs containing embryos.

PLEA: Nolo contendere.

DISPOSITION: 3-9-62. \$500 fine, plus costs.

## FISH AND SHELLFISH

**27886. Rollmops (fish).** (F.D.C. No. 47248. S. No. 61-321 T.)

QUANTITY: 35 cases, 12 jars each, at St. Louis, Mo.

SHIPPED: 1-23-62 and 2-15-62, from Chicago, Ill., by Benson Fish Co., Inc.

LABEL IN PART: (Case) "Noon Hour Food Products 1 Doz. 8 Oz. Rollmops" and (jar lid) "Noon Hour Brand Rollmops Contents 8 Oz. Net Wt. of Fish 6 Oz. Avd. \* \* \* Packed by Noon Hour Food Products, Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article contained less than the stated quantity of fish.

LIBELED: 3-16-62, E. Dist. Mo.

CHARGE: 403(a)—when shipped, the label statement "Net Wt. of Fish 6 Oz." was false and misleading.

DISPOSITION: 4-26-62. Default—destruction.

**27887. Caviar.** (F.D.C. No. 47222. S. No. 16-391 T.)

QUANTITY: 22 cases, 12 jars each, at Cincinnati, Ohio.

SHIPPED: Between 12-7-61 and 1-25-62, from New York, N.Y., by Romanoff Caviar Co.

LABEL IN PART: (Case) "Romanoff Caviar \* \* \* Caviar Co. 463 Greenwich's New York 1 Dozen 1 Oz. Blue Seal Sturgeon Roe" and (jar lid) "Romanoff Caviar Blue Seal 1 Oz. \* \* \* Net Weight Romanoff Caviar Co., Packers London New York, N.Y. Paris."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-2-62, S. Dist. Ohio.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-16-62. Default—delivered to a public institution.

**27888. Fresh crabmeat.** (F.D.C. No. 45236. S. Nos. 32-615 R, 35-941 R.)

INFORMATION FILED: 4-11-61, S. Dist. Fla., against Sockwell Crabmeat Co., Inc., Vero Beach, Fla., and Herbert R. Sockwell, president of the corporation.

SHIPPED: 5-13-60 and 7-15-60, from Florida to New York.

**LABEL IN PART:** (Can) "SOCKWELL'S Fresh Backfin CRABMEAT Net Wt. 1 Lb. Avoir. Sockwell Crabmeat Co. Vero Beach, Florida U.S.A."

**CHARGE:** (Count 1 of the information), 402(a)(3)—contained *E. coli*, an organism indicative of fecal pollution; 402(a)(4)—prepared and packed under insanitary conditions; and (count 2), 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** The defendants filed a motion for dismissal of the information on the grounds that it was insufficient, vague, indefinite and uncertain, and on or about 6-26-61, such motion was denied. The defendant also submitted an oral motion for a bill of particulars in regard to the actual count of *E. coli* found in the article, and such motion was granted. On 10-20-61, the defendants having entered pleas of nolo contendere, the court fined the individual \$250 on count 1, and the corporation \$250 on count 2.

**27889. Fresh crabmeat.** (F.D.C. No. 45237. S. No. 31-447 R.)

**INFORMATION FILED:** 4-20-61, S. Dist. Tex., against John P. Lowe, manager of Texas Crab Co., Palacios, Tex.

**SHIPPED:** 7-19-60, from Texas to Louisiana.

**LABEL IN PART:** (Can) "Special [or "Fresh Claw" or "Fresh Special"] Crabmeat \* \* \* 1 Lb. Texas Crab Co. Palacios, Texas."

**CHARGE:** 402(a)(3)—contained *E. coli*, an organism indicative of fecal pollution.

**PLEA:** Guilty.

**DISPOSITION:** 10-27-61. Sentence of 3 months imprisonment and fine of \$1,000.

## FRUITS AND VEGETABLES\*

### FROZEN FRUIT

**27890. Frozen strawberries.** (F.D.C. No. 46957. S. No. 43-207 T.)

**QUANTITY:** 163 boxes, 16 qt. baskets each, at Philadelphia, Pa.

**SHIPPED:** On an unknown date, from Robbinsville, N.J.

**LIBELED:** 2-2-62, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained decomposed strawberries while held for sale.

**DISPOSITION:** 4-18-62. Default—destruction.

### MISCELLANEOUS FRUIT PRODUCT

**27891. Frozen concentrated orange juice.** (F.D.C. No. 46859. S. No. 9-667 T.)

**QUANTITY:** 16 cases, 24 12-oz. cans each, at Buffalo, N.Y.

**SHIPPED:** 10-26-61, from Groveland, Fla., by B & W Canning Co., Inc.

**LABEL IN PART:** (Can) "Orchard Park Frozen Fresh Florida Concentrated Pure Orange Juice Unsweetened \* \* \* Makes 3 Pints \* \* \* This can contains the Juice of 24 Average Size Tree Ripened Oranges \* \* \* Distributed by Orchard Park Foods, Inc., Buffalo, N.Y."

**LIBELED:** 12-21-61, W. Dist. N.Y.

**CHARGE:** 403(a)—when shipped, the label statement "This Can Contains the Juice of 24 Average Size Tree Ripened Oranges" was false and misleading, since it was contrary to fact.

**DISPOSITION:** 5-7-62. Default—delivered to a charitable institution.

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\*See also No. 27868.



## VEGETABLES

**27892. Canned sweetpotatoes.** (F.D.C. No. 47247. S. No. 33-673 T.)

**QUANTITY:** 78 cases, 24 cans each, at Grand Forks, N. Dak.

**SHIPPED:** 11-10-61, from Fruitland, Md., by J. H. Dulaney Co.

**LABEL IN PART:** (Can) "Standby Whole Sweet Potatoes \* \* \* Vacuum Pack with Sugar \* \* \* 1 lb. 2 oz. \* \* \* Packed for Fine Foods, Inc. Seattle, Washington Minneapolis, Minnesota."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-16-62, Dist. N. Dak.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 5-3-62. Consent—delivered to a charitable institution.

**27893. Canned sweetpotatoes.** (F.D.C. No. 46948. S. No. 629 T.)

**QUANTITY:** 103 cases, 24 1-lb. 13-oz. cans each, at Vidalia, Ga.

**SHIPPED:** 11-13-61, from Cecelia, La.

**LIBELED:** 2-2-62, S. Dist. Ga.

**CHARGE:** 402(a) (3)—contained a decomposed substance while held for sale.

**DISPOSITION:** 4-17-62. Default—destruction.

**27894. Celery.** (F.D.C. No. 45662. S. Nos. 26-190 R, 35-179 R.)

**INFORMATION FILED:** 7-24-61, S. Dist. Calif., against Sakioka Farms, a partnership, Culver City, Calif., and Johnny K. Sakioka, and Jack T. Sakioka, partners.

**SHIPPED:** 5-26-60, from California to Pennsylvania and New York.

**LABEL IN PART:** (Crate) "Roy Boy Brand Select Vegetables Growers, Packers and Shippers Sakioka Farms, Culver City, California" and "Blue Mink Brand Select Vegetables Growers, Packers and Shippers Sakioka Farms Main Office Culver City California."

**CHARGE:** 402(a) (2) (B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which was unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

**PLEA:** Nolo contendere.

**DISPOSITION:** 9-5-61. Partnership fined \$2; each individual fined \$300.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**27895. Nutri-Kings tablets.** (F.D.C. No. 45269. S. No. 43-241 R.)

**QUANTITY:** 3 360-tablet btls. and 2 540-tablet btls. at Berkeley, Calif.

**SHIPPED:** On unknown date, from New York, N.Y., by Universal Nutritions, Inc.

**LABEL IN PART:** (Btl.) "Universal Nutritions \* \* \* Nutri-Kings Food Supplement These vitamins and minerals supplied in part from a special base of: Alfalfa Leaves, Pacific Coast Kelp, Parsley, Zein, Soy Bean and Watercress.

To insure proper potencies additional vitamins and minerals were added.

\* \* \* Universal Nutritions, Inc., Dist. New York 13, N.Y."

ACCOMPANYING LABELING: Leaflets entitled "Universal Nutrition \* \* \* Fall, 1960."

LIBELED: 12-9-60, N. Dist. Calif.

CHARGE: 402(a)(2)(C)—when shipped and while held for sale, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of section 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to section 409; and 403(a)—the listing on the label of the article of the ingredients, namely, alfalfa leaves, Pacific Coast kelp, parsley, zein, soy bean, watercress, choline dihydrogen citrate, dl-methionine, inositol, para-aminobenzoic acid, biotin, vitamin K (Menadione), rutin, manganese, cobalt, copper, zinc, magnesium, potassium, fluorine, molybdenum, chlorophyllins, and lemon bioflavonoid complex (additional nutritional factor), was false and misleading since such listing represented that the ingredients so listed were present in nutritionally significant quantities for special dietary uses, whereas, such ingredients were not present in nutritionally significant quantities for special dietary uses.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: Universal Nutritions, Inc., claimed the article and filed an answer. Thereafter, on or about 1-30-61, pursuant to stipulation of the parties, the case was removed to the U.S. Dist. Court for Dist. N.J.

On or about 8-28-61, the libel was amended to allege that the article was adulterated within the meaning of 402(a)(2)(C) in that it contained an unsafe food additive.

On 11-29-61, the claimant having consented to a decree on the ground that the article was adulterated as alleged and without an adjudication of the misbranding charge, judgment of condemnation and destruction was entered. On 12-7-61, an amendment to the above decree ordered the U.S. marshal for the N. Dist. of Calif. to destroy the article.

27896. Addit 'Hi-Vi' Reducing Aid. (F.D.C. No. 45502. S. No. 20-520 R.)

QUANTITY: 62 cases, 24 ctnd. vials each, at Detroit, Mich.

SHIPPED: 4-6-59, from Buffalo, N.Y., by Addit Co.

LABEL IN PART: (Ctn.) "Contents 120 Grams ADDIT 'Hi-Vi' Reducing Aid Multi Vitamin-Mineral Tonic For maintaining vitality while reducing Taken before meals, helps reduce appetite. Distributed by Addit Co., Grosse Pointe 36, Mich."

ACCOMPANYING LABELING: Leaflets in carton entitled "Reducer's Recipes" and "The ADDIT Plan For Reducing For Increasing Vitality For Gaining Weight."

LIBELED: 3-8-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the labeling of the article contained false and misleading representations that the article satisfied hunger, was a multi-vitamin-mineral tonic, was rich, filling, and energy giving, and was a refresher, that the minimum daily requirement for niacinamide had not been established, that milk and Addit constituted complete nutrition, and that the vitamins and minerals in the article were not present in the ordinary foods of the diets of children; 403(i)(2)—the label of the article failed to bear the common or usual



name of each ingredient since "Protein" was not the specific name of that ingredient; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the percent by weight of protein, fat, and available carbohydrates in the article.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6614.

DISPOSITION: 4-18-61. Default—destruction.

27897. Vitest vitamin capsules. (F.D.C. No. 45267. S. No. 2-140 R.)

QUANTITY: 1,089 30-capsule btls. at St. Petersburg, Fla., in possession of Silver Rod Vitamin Co.

SHIPPED: Between 10-15-59 and 8-29-60, from St. Louis, Mo., by Shaw Pharmaceutical Co.

LABEL IN PART: (Btl.) "30 Gelets Vitest Vitamin Tested Vitamin Capsules Sugar Free Distributed by Silver Rod Vitamin Co. St. Petersburg 6, Fla. contains 'wonder' citrus bioflavonoids complex a food supplement."

ACCOMPANYING LABELING: Leaflets entitled "Vitest Sugar Free Vitamin Tested Vitamins," "Vitest Vitamin Capsules With CB," "Now New Vitest Capsules," and "How to Start Living and Stop Worrying."

RESULTS OF INVESTIGATION: Upon receipt of the article, the dealer repacked a number of the bottles of the article into shipping containers and placed a number of the above-mentioned leaflets in each container. The leaflets were printed on order of the dealer and used in promoting the sale of the article.

LIBELED: 12-5-60, S. Dist. Fla.

CHARGE: 403(a)—when shipped, the label statement "Contains 'wonder' citrus bioflavonoids complex" was false and misleading since it represented and suggested that the presence of citrus bioflavonoids was of unusual benefit for special dietary uses, whereas, such representation and suggestion was contrary to fact; and the label statement "dl-methionine \* \* \* magnesium \* \* \* copper, potassium \* \* \* need in human nutrition not established" was false and misleading since it was contrary to fact; 403(a)—while held for sale the accompanying labeling of the article contained false and misleading representations that the need for citrus bioflavonoids in human nutrition had been established, that the article contained significant amounts of lipotropic factors for special dietary use, and in comparing the vitamin and mineral content with those of ordinary foods it was usually impossible to obtain an adequate supply of vitamins and minerals in the ordinary diet.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6613.

DISPOSITION: 4-3-61. Default—destruction.

27898. Coldene vitamin tonic with iron. (F.D.C. No. 44918. S. No. 7-501 R.)

QUANTITY: 600 cases of 12 individually cartoned 8-oz. btls. at Norwood, Mass.

SHIPPED: 11-2-59 and 11-3-59, from New York, N.Y., by Mary Scott Rowland, Ltd.

LABEL IN PART: (Btl. and ctn.) "Coldene Vitamin Tonic with Iron \* \* \* giving therapeutic amounts of vitamins important to supplement the diet of

those in run-down conditions. Especially indicated for use in convalescence from colds, flu and similar illness. Each fluid oz. (2 Tablespoonfuls) contains: \* \* \* Riboflavin (B<sub>2</sub>) 4 mg. \* \* \* Pharma-Craft Corporation, Distrs. Cranbury, N.J."

ACCOMPANYING LABELING: Leaflet in carton entitled "Coldene Liquid Cold Medicine."

RESULTS OF INVESTIGATION: Examination showed that portions of the article contained approximately 70 percent of the declared amount of riboflavin.

LIBELED: 9-26-60, Dist. Mass.

CHARGE: 402(b) (1)—when shipped and while held for sale, the valuable constituent, riboflavin, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each fluid oz. (2 tablespoonfuls) contain: \* \* \* Riboflavin (B<sub>2</sub>) 4 mg." was false and misleading; 403(a)—the label statements "M.D.R. for Niacinamide \* \* \* not established" and "Need in human nutrition for \* \* \* Methionine is not established" were false and misleading since they were contrary to fact; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins B<sub>1</sub> (thiamine), B<sub>2</sub> (riboflavin), and niacin and niacinamide and iron supplied by the article when consumed in a specified quantity during the period of one day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6610.

DISPOSITION: 5-15-61. Consent—destruction.

27899. Pearson Sakrin. (F.D.C. No. 43655. S. No. 72-388 P.)

QUANTITY: 99 cases, 36 btl. each, at Atlanta, Ga.

SHIPPED: 9-9-59, from New Providence, N.J., by Pearson Pharmacal Co., Inc.

LABEL IN PART: (Ctn.) "Pearson Sakrin Liquid Sweetener with Exclusive Daramin No Calories! No Sugar! No Salt! No Sodium!" and (btl.)

"Pearson Sakrin Super-Concentrated Liquid Sweetener \* \* \* Contents 34 cc."

LIBELED: 11-5-59, N. Dist. Ga.

CHARGE: 403(a)—when shipped, the label statement "Super Concentrated Liquid Sweetener" was false and misleading since the article was an artificial sweetener; 403(f)—the statement of ingredients, required to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6604.

DISPOSITION: On 1-4-60, Pearsen Pharmacal Co., Inc., appeared and filed an answer to the libel, a claim to the property, and an application for an order removing the cause to the S. Dist. of Fla. On 1-18-60, the claimant's motion to remove was overruled and denied by the court in an opinion which is reported in the notices of judgment on drugs and devices, No. 6604.



Subsequently, the claimant moved that its answer and claim be dismissed. On 7-31-61, the claimant's motion to dismiss its answer and claim was granted and a default decree of condemnation and destruction was entered.

**27900. Bey Proto-X, Ro-Qee-Jel capsules, and Bey Vita RG Soya Lecithin.**  
(F.D.C. No. 44678. S. Nos. 26-082 R, 26-085/6 R.)

**QUANTITY:** 20 btls. of Bey Proto-X; 8 btls. of Ro-Qee-Jel capsules; and 90 btls. of Bey Vita RG Soya Lecithin, at Los Angeles, Calif.

**SHIPPED:** 5-5-60, from Seattle, Wash., by Hamid Bey.

**LABEL IN PART:** "Bey Proto-X Amino Acids with Vitamin B-12 and Vitamin B-1 Water Soluble Protein a Dietary Food Supplement—Net Weight 4 Ounces \* \* \* Distributed by Bey-Vita Products Co. 2015 Beverly Boulevard—Los Angeles 57, California"; "30 Capsules Ro-Qee-Jel Capsules A Food Supplement \* \* \* Each capsule contains: Royal Queen Bee Jelly 40 mg. Vitamin B-1 (Thiamin) 5 mg. Vitamin B-12 5 micrograms \* \* \* Royal Queen Bee Jelly Co. of Michigan 12751 Capital—Oak Park 37, Michigan"; and "100% Pure Lecithin \* \* \* Bey Vita RG Soya Lecithin Net Weight 8 Oz. Each tablespoonful (7.5 grams) contains: Choline 250 Mg. Inositol 250 Mg. Phosphorus 225 Mg. Distributed by Bey Vita Products Co."

**LIBELED:** 6-23-60, S. Dist. Calif.

**CHARGE:** Bey Proto-X, 403(a)—when shipped and while held for sale, the bottle label of the article contained false and misleading representations that the article was a source of complete protein; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its use in dietary management with respect to diseases, and its label failed to bear, as required by the regulations, the percent by weight of protein in such article.

Ro-Qee-Jel capsules, 403(a)—when shipped and while held for sale, the name of the article "Ro-Qee-Jel" was false and misleading since such name represented and suggested that the main ingredient, royal queen bee jelly, was of value as a food supplement, whereas such ingredient is without value as a food supplement; and 403(a)—the label statement "The need for the other items listed in human nutrition has not been established" was false and misleading since such statement related to vitamin B<sub>12</sub> and the need for vitamin B<sub>12</sub> in human nutrition has been established.

Bey Vita RG Soya Lecithin, 403(a)—when shipped and while held for sale, the label statement "100% Pure Lecithin" was false and misleading since it was contrary to fact.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6587.

**DISPOSITION:** 3-27-61. Default—destruction.

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	N.J. No.		N.J. No.
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## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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		butter	27879



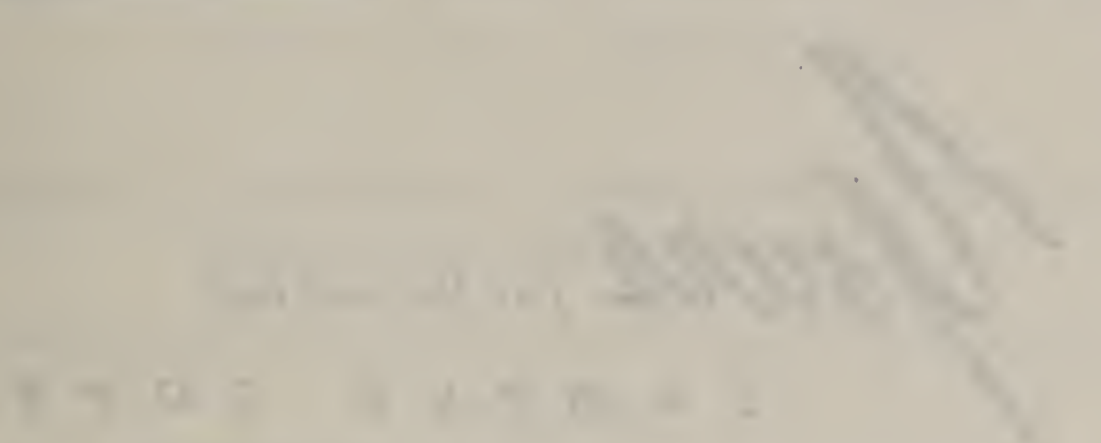
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1930-1931

1930-1931



1929-1931

1929	100
1930	110
1931	70

The following table shows the percentage change in the index of prices of the principal agricultural products, 1929=100, for the years 1930 and 1931. The index for 1929 is 100. The index for 1930 is 110, and for 1931 is 70.

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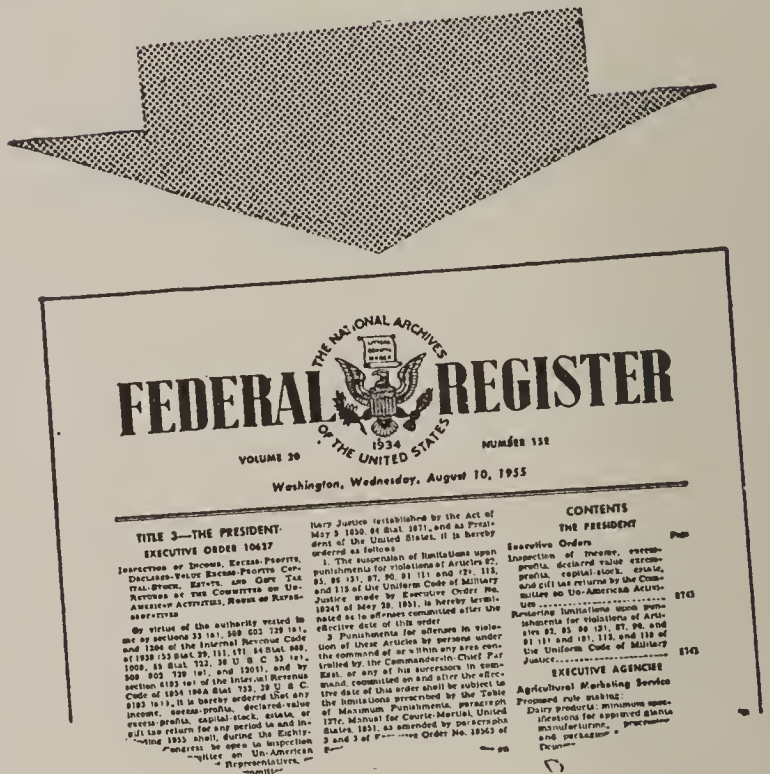
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CURRENT SERIAL RECORDS

F.N.J., F.D.C. 27901-28000 Issued September 1962

U.S. Department of Health, Education, and Welfare  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27901-28000

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default or by consent; and (2) criminal proceedings which were terminated upon pleas of nolo contendere or guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *September 19, 1962.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN  
VIOLATIONS REPORTED IN F.N.J. NOS. 27901-28000

*Adulteration*, Section 402(a)(1); the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a)(2)(B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength; or make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare, or because the quantity of the pesticide chemical in or on the raw agricultural commodity was not within the limits of a tolerance prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard or (2) a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; Section 403(i)(1), the article was not subject to the provisions of Section 403(g) and its label failed to bear the common or usual name of the article; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.



**CEREALS AND CEREAL PRODUCTS****BAKERY PRODUCTS\***

**27901. Bread.** (F.D.C. No. 45248. S. Nos. 38-192 R, 38-198 R.)

**INFORMATION FILED:** 6-13-61, Dist. N.J. against New Colonial Bakery, a partnership, Trenton, N.J., and Nicholas Maisto, partner.

**SHIPPED:** 9-28-60 and 9-30-60, from New Jersey to Pennsylvania.

**LABEL IN PART:** (Bag) "New Colonial Bread Net Weight 11½ oz. New Colonial Bakery 305 Hudson St. Trenton, N.J."

**CHARGE:** 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 1-15-62. Partnership—\$200 fine; individual—1 year probation.

**27902. Bread, rolls, and french bread.** (F.D.C. No. 45980. S. Nos. 2-989 R, 2-992 R, 2-994/5 R.)

**INFORMATION FILED:** 8-2-61, M. Dist. Ga., against Craig's Bakery, Inc., Columbus, Ga.

**SHIPPED:** 8-25-60 and 8-26-60, from Georgia to Alabama.

**LABEL IN PART:** (Pkg.) "CRAIG'S ENRICHED BREAD ECONOMY SIZE Net Weight 14 Ounces [or "OLD TIMEY Net Weight 16 Ounces"] Craig's Bakery, Inc., Columbus, Georgia," "CRAIG'S FRENCH BREAD 1903 Hamilton Road, Columbus, Ga. Net Wt. 16 Ozs. or over," "CRAIG'S BROWN 'N SERVE ENRICHED ROLLS Net Weight 11 Ozs. Craig's Bakery, Inc., Columbus, Georgia."

**CHARGE:** 402(a)(3)—contained insect parts and rodent hair when shipped; and 402(a)(4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 3-19-62. \$1,000 fine.

**27903. Zwieback toast.** (F.D.C. No. 47183. S. No. 8-493 T.)

**QUANTITY:** 391 cases, 12 bags each, at Cambridge, Mass.

**SHIPPED:** 1-5-62, from Minneapolis, Minn., by Zinsmaster Baking Co.

**LABEL IN PART:** (Bag) "Master Regular Plain Toast Zwieback Net Wt. 10 Oz. \* \* \* Zinsmaster Baking Company Minneapolis, St. Paul-Duluth, Minn."

**RESULTS OF INVESTIGATION:** Examination showed the article to be short weight.

**LIBELED:** 3-2-62, Dist. Mass.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-13-62. Consent—claimed by Zinsmaster Baking Co., and released under bond for relabeling.

**FLOUR**

**27904. Flour.** (F.D.C. No. 44973. S. No. 33-230 R.)

**QUANTITY:** 144 50-kilo bags and 72 25-kilo bags, containing a total of 19,800 lbs., at Brooklyn, N.Y.

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\*See also No. 27910.

SHIPPED: On 9-7-60, the article was delivered to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was submerged in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-31-61. Default—destruction.

**27905. Flour.** (F.D.C. No. 46996. S. No. 47-144 T.)

QUANTITY: 410 25-lb. bags, at Poplar Bluff, Mo., in possession of Barnes Grocer Co., Inc.

SHIPPED: 11-9-61 and 12-19-61, from McPherson, Kans.

LIBELED: 1-26-62, E. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-4-61. Default—delivered to a charitable institution for use as animal feed.

**27906. Flour.** (F.D.C. No. 45673. S. Nos. 40-352/6 R, 40-358/9 R.)

INFORMATION FILED: 8-17-61, W. Dist. Tenn., against H. C. Cole Milling Co., a corporation, Memphis, Tenn.

ALLEGED VIOLATIONS: Between 8-10-60 and 10-6-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building that was insect-infested, and to be exposed to contamination by insects, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insects and larvae; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-8-61. \$1,000 fine.

**27907. Flour.** (F.D.C. No. 45676. S. Nos. 2-721/4 R.)

INFORMATION FILED: 7-6-61, W. Dist. N.C., against Mooresville Flour Mills, Inc., Mooresville, N.C., and Joseph H. Gilley, Jr., general manager.

SHIPPED: 9-12-60, from North Carolina to South Carolina.

LABEL IN PART: (Bags) "2 Lbs. [or "5 Lbs." or "10 lbs." or 15 lbs."] Net Weight Enriched Bleached SOUTHERN BISCUIT Self-Rising Flour Manufactured and Distributed by Maiden and Mooresville Flour Mills, Inc. Newton and Mooresville, N.C."

CHARGE: 402(a)(3)—contained insect filth when shipped; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-20-61. \$600 fine against defendants jointly.

**27908. Flour, Donut base, and Donut mix.** (F.D.C. No. 45251. S. Nos. 38-975/6 R, 38-980 R, 38-986 R, 38-988 R, 38-990 R.)

INFORMATION FILED: 8-17-61, W. Dist. Tenn., against Nickey Warehouses, Inc., Memphis, Tenn., and Benton T. Grills, secretary.



**ALLEGED VIOLATIONS:** Between 5-6-60 and 9-29-60, while quantities of flour, Donut base, and Donut mix were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—contained insects, insect larvae, insect pupae, and insect fragments; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 9-29-61. Fine of \$1,000 against the defendants jointly.

**27909. Flour.** (F.D.C. No. 45580. S. Nos. 39-627/8 R, 40-132 R, 40-135/6 R.)

**INFORMATION FILED:** 8-17-61, W. Dist. Tenn., against Malone & Hyde, Inc., Memphis, Tenn.

**ALLEGED VIOLATIONS:** Between 3-14-60 and 10-17-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a)(3)—contained rodent urine and insects; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 9-29-61. \$1,000 fine.

**27910. Flour and bread.** (F.D.C. No. 44657. S. Nos. 64-366/8 P.)

**INFORMATION FILED:** 2-17-61, Dist. Mass., against Mercolino & Settembro Bakery, a partnership, Springfield, Mass.

**ALLEGED VIOLATIONS:** Between 10-13-59 and 10-20-59, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building accessible to insects and to be exposed to contamination by insects, namely, by placing the article in an insect-contaminated flour conveying system in such building, which act resulted in the article being adulterated. On 10-21-59, the defendant caused to be introduced into interstate commerce at Springfield, Mass., for delivery into the State of Connecticut, a quantity of bread which was adulterated.

**TABLE IN PART:** "Mercolino & Settembro Italian & French Bread Springfield, Mass. Net weight 10½ Oz. [or "20 Oz."]."

**CHARGE:** 402(a)(3)—the articles contained insect parts; and 402(a)(4)—the flour was held under insanitary conditions and the bread had been prepared under insanitary conditions whereby such articles may have become contaminated with filth.

**PLEA:** Guilty.

**DISPOSITION:** 10-2-61. \$250 fine.

**27911. Flour.** (F.D.C. No. 45586. S. Nos. 1-470 R, 1-474 R, 1-502/3 R, 1-513 R.)

**INFORMATION FILED:** 9-18-61, S. Dist. Fla., against the Wight Grocery Co., Inc., Sanford, Fla.

**ALLEGED VIOLATIONS:** Between 12-8-59 and 9-23-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent urine, rodent hairs, insects, insect pupae, insect larvae, and insect cast skins; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-13-61. \$500 fine.

**27912. Flour.** (F.D.C. No. 46494. S. No. 27-566 T.)

QUANTITY: 2,000 25-lb. bags at Kansas City, Mo.

SHIPPED: 9-28-61, from Salina, Kans., to Batesville, Ark., and reshipped to Kansas City, Mo.

LIBELED: 10-6-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insects while in interstate commerce.

DISPOSITION: 10-16-61. Consent—claimed by Mid-Continent Grain Co., Kansas City, Mo., and converted to animal feed.

**27913. Flour.** (F.D.C. No. 46504. S. No. 9-067 T.)

QUANTITY: 800 100-lb. bags, at Buffalo, N.Y.

SHIPPED: 8-21-61, from Harbor Beach, Mich. This was a return shipment.

RESULTS OF INVESTIGATION: Inspection showed that the article was held in an insect-infested rail car.

LIBELED: 10-18-61, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-31-61. Consent—claimed by Chesapeake & Ohio Railway Co., and denatured for use as dog food.

**27914. Flour and cornmeal.** (F.D.C. No. 45213. S. Nos. 40-008/9 R.)

INFORMATION FILED: 5-3-61, E. Dist. Ark., against William J. Shepherd & Sons, a partnership, Pine Bluff, Ark., and William J. Shepherd, III, and William T. Shepherd, partners.

ALLEGED VIOLATIONS: Between 1-8-60 and 8-11-60, while quantities of flour and cornmeal were being held for sale after shipment in interstate commerce, the defendants caused the articles to be placed in a building infested by rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-23-61. Each defendant fined \$200.

**27915. Flour.** (F.D.C. No. 44935. S. Nos. 32-844/5 R.)

INFORMATION FILED: 2-2-61, Dist. N.J., against S. Davis Co., a corporation, North Bergen, N.J., and Abraham Davis, vice president and secretary.

ALLEGED VIOLATIONS: Between 2-16-60 and 3-7-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building infested with rodents and to be exposed to adulteration by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.



PLEA: Guilty.

DISPOSITION: 11-9-61. Each defendant fined \$1,000.

**27916. Flour.** (F.D.C. No. 45233. S. No. 30-231 R.)

INFORMATION FILED: 6-15-61, Dist. Minn., against Red Wing Milling Co., a corporation, Red Wing, Minn., and Jefferson D. Sogard, vice president and manager.

SHIPPED: 6-23-60, from Minnesota to Connecticut.

LABEL IN PART: (Bag) "100 Lbs. Net IMPERIAL Spring Wheat SPECIAL PATENT FLOUR Packed For M. Stroh Co., Inc. New Haven, Conn."

CHARGE: 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-13-61. Fine of \$1,000 against the defendants jointly.

**27917. Flour.** (F.D.C. No. 45670. S. No. 60-061 R.)

INFORMATION FILED: 9-5-61, W. Dist. Tenn., against Pillsbury Co., a corporation, Memphis, Tenn.

SHIPPED: 9-29-60, from Tennessee to Louisiana.

LABEL IN PART: (Pkg.) "PILLSBURY BAKERY FLOURS PROTECTOR BLEACHED—BROMATED—UNENRICHED THE PILLSBURY COMPANY MINNEAPOLIS, MINNESOTA MANUFACTURER 100 LBS. NET."

CHARGE: 402(a)(3)—contained insects when shipped; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 12-5-61. \$500 fine.

**27918. Flour.** (F.D.C. No. 45985. S. Nos. 2-869 R, 2-884 R, 2-886 R, 2-890 R, 3-006 R, 3-008 R.)

INFORMATION FILED: 8-21-61, M. Dist. Ga., against Lee Bros. Wholesale Groceries, a partnership, Elberton, Ga., and Eugene O. Lee and Lester E. Lee, Jr., partners.

ALLEGED VIOLATIONS: Between 9-5-60 and 3-24-61, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building accessible to insects and rodents and to be exposed to contamination by insects and rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insect larvae, insect cast skins, rodent urine, rodent hairs, and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 12-8-61. Each defendant fined \$300.

#### MACARONI AND NOODLE PRODUCTS

**27919. Macaroni.** (F.D.C. No. 46811. S. No. 7-286 T.)

QUANTITY: 161 cases, 4 9-lb. ctns. each, at Boston, Mass.

SHIPPED: 11-3-61, from Columbus, Ohio.

LIBELED: 12-27-61, Dist. Mass.

CHARGE: 402(a)(3)—contained insects, insect parts, insect pupae, and insect larvae while held for sale.

DISPOSITION: 3-26-62. Default—delivered to a public institution for use as animal feed.

27920. Macaroni. (F.D.C. No. 46309. S. No. 55-339 R.)

QUANTITY: 58 cases, 12 pkgs. each, at Holikachuk, Alaska.

SHIPPED: 7-29-61, from Seattle, Wash., by Alaska Native Industries Cooperative Association.

LABEL IN PART: (Pkg.) "Majorette Brand Elbow Macaroni Net Weight 14 Ounces \* \* \* Major Italian Foods Seattle, Washington."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: On or about 8-30-61, Dist. Alaska.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-8-62. Default—delivered to charitable institutions.

27921. Macaroni and sugar. (F.D.C. No. 45207. S. Nos. 15-391/2 R.)

INFORMATION FILED: 2-21-61, M. Dist. Tenn., against Cumberland Storage & Warehouse Co., Inc., Nashville, Tenn.

ALLEGED VIOLATIONS: Between 11-20-59 and 6-21-60, while held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent excreta pellets, rodent hairs, and mammalian urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-5-62. \$200 fine.

27922. Macaroni products. (F.D.C. No. 46744. S. Nos. 17-330/5 T.)

QUANTITY: 3 cases, 12 16-oz. pkgs. each, containing rigatoni macaroni; 4 cases, 12 16-oz. pkgs. each, containing lasagna macaroni; 5 cases, 12 12-oz. bags each, containing egg noodles; 14 cases, 12 2-lb. pkgs. each and 9 cases, 24 1-lb. pkgs. each, containing elbow macaroni; and 12 cases, 24 16-oz. pkgs. each, containing vermicelli, at Kingsport, Tenn.

SHIPPED: Between 12-8-59 and 11-18-60, from Louisville, Ky.

LIBELED: 12-6-61, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects, insect parts, and insect larvae while held for sale.

DISPOSITION: 1-19-62. Default—destruction.

27923. Egg noodles. (F.D.C. No. 47608. S. No. 61-842 T.)

QUANTITY: 44 ctns., 12 pkgs. each, at East Providence, R.I.

SHIPPED: 3-22-62, 4-9-62, and 4-19-62, from Danielson, Conn., by V. La Rosa & Sons, Inc.

LABEL IN PART: (Pkg.) "La Rosa Grade A \* \* \* Enriched Egg Noodles Wide No. 131 12 Ounces Net Weight \* \* \* V. La Rosa & Sons Inc. Brooklyn, N.Y."

LIBELED: 5-17-62, Dist. R.I.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.



DISPOSITION: 6-8-62. Default—destruction.

27924. Egg noodles. (F.D.C. No. 46953. S. No. 48-264 T.)

QUANTITY: 5,234 cases, 4 5-lb. boxes each, at Lathrop, Calif.

SHIPPED: 4-27-61, from Brooklyn, N.Y., by Paramount Macaroni Manufacturing, Co., Inc.

LABEL IN PART: (Box) "Noodles, Egg \* \* \* Paramount Macaroni Mfg. Co. Inc. Brooklyn, N.Y."

LIBELED: 2-1-62, N. Dist. Calif.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, egg or egg yolk solids, had been in whole or in part omitted from the article; and 403(g)(1)—the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: 5-17-62. Consent—delivered to a public institution.

27925. Egg noodles. (F.D.C. No. 46950. S. No. 18-353 T.)

QUANTITY: 3,198 cases, 4 5-lb. boxes each, at Fort Worth, Tex.

SHIPPED: 2-2-61, from Brooklyn, N.Y., by Paramount Macaroni Manufacturing Co., Inc.

LABEL IN PART: (Box) "Noodles, Egg \* \* \* Paramount Macaroni Mfg. Co. Inc. Brooklyn, N.Y."

LIBELED: 2-5-62, N. Dist. Tex.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, egg or egg yolk solids, had been in whole or in part omitted from the article; and 403(g)(1)—the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: 5-24-62. Consent—delivered to a public institution.

27926. Egg noodles. (F.D.C. No. 46951. S. Nos. 4-710/11 T.)

QUANTITY: 6,964 cases, 4 5-lb. boxes each, at Norfolk, Va.

SHIPPED: 2-2-61 and 6-23-61, from Brooklyn, N.Y., by Paramount Macaroni Manufacturing Co., Inc.

LABEL IN PART: (Box) "Noodles, Egg \* \* \* Paramount Macaroni Mfg. Co. Inc. Brooklyn, N.Y."

LIBELED: On or about 2-5-62, E. Dist. Va.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, egg or egg yolk solids, had been in whole or in part omitted from the article; and 403(g)(1)—the article failed to conform to the definition and standard of identity for egg noodles since the total solids of the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: 6-4-62. Consent—delivered to a public institution.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27927. Rice. (F.D.C. No. 46062. S. Nos. 60-115 R, 80-854 R.)

QUANTITY: 2,500 100-lb. bags at Mobile, Ala.

SHIPPED: 4-21-61 and 5-4-61, from Mermentau, La., by Imperial Rice Mills, Inc.

**LABEL IN PART:** (Tag) "Vitamin and Mineral Fortified Rice \* \* \* Packed by Imperial Rice Mills, Inc., Mermentau, La."

**LIBELED:** 6-30-61, S. Dist. Ala.

**CHARGE:** 402(a)(3)—contained insect fragments, rodent hairs, and rodent excreta pellets; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 8-8-61 and 8-21-61. Consent—claimed by Imperial Rice Mills, Inc. Segregated; 2,600 lbs. destroyed.

**27928. Rice.** (F.D.C. No. 46197. S. Nos. 59-951/4 R.)

**QUANTITY:** 76 100-lb. bags at Seattle, Wash., in possession of Associated Grocers, Inc.

**SHIPPED:** Between 2-15-61 and 4-18-61, from Sacramento and San Francisco, Calif., and Houston, Tex.

**LIBELED:** 7-26-61, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 9-19-61. Consent—claimed by Associated Grocers, Inc. Segregated; 1,870 lbs. destroyed.

**27929. Rice.** (F.D.C. No. 46447. S. No. 81-099 R.)

**QUANTITY:** 32 100-lb. bags at Boston, Mass.

**SHIPPED:** 6-1-61, from Houston, Tex.

**LIBELED:** 9-11-61, Dist. Mass.

**CHARGE:** 402(a)(3)—contained live insect larvae, insect parts, insect pupae, and insect excreta while held for sale.

**DISPOSITION:** 10-16-61. Default—delivered to a public institution for use as animal feed.

**27930. Rice.** (F.D.C. No. 46557. S. Nos. 310/15 T.)

**QUANTITY:** 73 cases, 24 12-oz. pkgs. each; and 280 cases, 12 3-lb. boxes each, at Charlotte, N.C.

**SHIPPED:** Between 10-12-59 and 9-21-60, from Stuttgart, Ark., and Atlanta, Ga.

**LIBELED:** 10-10-61, W. Dist. N.C.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-13-61. Default—delivered to a charitable institution for use as animal feed.

**27931. Rice.** (F.D.C. No. 45249. S. Nos. 56-526 P, 2-680/1 R.)

**INFORMATION FILED:** 5-15-61, E. Dist. S.C., against W. A. Livingston, Inc., Orangeburg, S.C.

**ALLEGED VIOLATIONS:** Between 1-15-59 and 8-16-60, while quantities of rice were being held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building that was accessible to rodents, birds, and insects, and to be exposed to contamination by rodents, birds, and insects, which acts resulted in the article being adulterated.

**CHARGE:** 402(a)(3)—contained live insects, insect larvae, and rodent urine; and 402(a)(4)—held under insanitary conditions.



PLEA: Nolo contendere.

DISPOSITION: 11-13-61. \$1,000 fine and probation for 5 years.

**27932. Rice.** (F.D.C. No. 46827. S. Nos. 18-235/6 T.)

QUANTITY: 28 100-lb. bags and 13 100-lb. bags, at Oklahoma City, Okla., in possession of Collins-Dietz-Morris Co.

SHIPPED: (28-bag lot) 9-21-61 and 10-19-61, from Carlisle, Ark., and (13-bag lot) 10-3-61, from Stuttgart, Ark.

LIBELED: 11-30-61, W. Dist. Okla.

CHARGE: 402(a)(3)—the 28-bag lot contained bird excreta and the 13-bag lot, rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-5-61. Consent—claimed by Collins-Dietz-Morris Co. Segregated; 2,900 lbs. destroyed.

**27933. Wheat.** (F.D.C. No. 44503. S. No. 44-366 R.)

QUANTITY: 40,600 lbs. at Seattle, Wash.

SHIPPED: 6-9-60, from Kalispell, Mont., by Kalispell Feed & Grain, Inc.

LIBELED: 6-17-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-29-60. Consent—claimed by Kalispell Feed & Grain Supply, Inc., and converted into animal feed.

**27934. Wheat.** (F.D.C. No. 44531. S. No. 2-216 R.)

QUANTITY: 701.2 bushels at Statesville, N.C.

SHIPPED: 7-9-60, from Bourneville, Ohio, by Henry Stanley & Son.

LIBELED: 7-21-60, W. Dist. N.C.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a), since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 10-3-60. Consent—claimed by Rhodes Elevator, Bourneville, Ohio, and released under bond for conversion into seed wheat.

**27935. Wheat.** (F.D.C. No. 45642. S. No. 29-872 R.)

QUANTITY: 43,990 lbs. at Duluth, Minn.

SHIPPED: 4-12-61, from Des Lacs, N. Dak., by Farmers Elevator Co.

LIBELED: 4-25-61, Dist. Minn.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 5-2-61. Consent—claimed by Farmers Elevator Co. Segregated; 10,140 lbs. destroyed.

**27936. Wheat.** (F.D.C. No. 46120. S. No. 54-699 R.)

QUANTITY: 84,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-30-61, from Clark, S. Dak., by Peavey Elevator Co.

**LIBELED:** 7-17-61, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 7-26-61. Consent—claimed by Peavey Elevators, Div. of F. H. Peavey & Co. Segregated; 7,980 lbs. denatured for use as animal feed.

**27937. Wheat.** (F.D.C. No. 46127. S. No. 54-749 R.)

**QUANTITY:** 87,000 lbs. at Duluth, Minn.

**SHIPPED:** 6-21-61, from Mott, N. Dak., by Atwood Larson and John F. Swindler.

**LIBELED:** 7-18-61, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 7-31-61. Consent—claimed by Marion Swindler, Mott, N. Dak., and converted into animal feed.

**27938. Wheat.** (F.D.C. No. 46181. S. No. 71-230 R.)

**QUANTITY:** 120,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 7-18-61, from Conde, S. Dak., by Farmers Elevator Co.

**LIBELED:** 8-17-61, Dist. Minn.

**CHARGE:** 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION:** 8-29-61. Consent—claimed by Farmers Elevator Co. Segregated; 42,510 lbs. destroyed.

**27939. Wheat.** (F.D.C. No. 46542. S. No. 51-741 T.)

**QUANTITY:** 117,000 lbs. at Tacoma, Wash.

**SHIPPED:** 10-26-61, from Devon, Mont.

**RESULTS OF INVESTIGATION:** Examination showed that the article was in a railroad car infested with live mice.

**LIBELED:** 11-20-61, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent excreta and rodent urine while in interstate commerce; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 11-28-61. Consent—claimed by Cargill, Inc., Minneapolis, Minn., and converted into animal feed.

**27940. Wheat.** (F.D.C. No. 46840. S. No. 52-956 T.)

**QUANTITY:** 89,000 lbs. at Spokane, Wash.

**SHIPPED:** 11-27-61, from Cut Bank, Mont., by Farmers Trading Co., Inc.

**LIBELED:** 12-7-61, E. Dist. Wash.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 12-18-61. Consent—claimed by Farmers Trading Co., Inc., and denatured.

**27941. Puffed rice and puffed wheat.** (F.D.C. No. 46097. S. Nos. 79-816/7 R, 87-252/3 R.)

**QUANTITY:** 145 cases, 24 pkgs. each, and 179 cases, 18 pkgs. each, of puffed rice; and 100 cases, 24 pkgs. each, and 175 cases, 18 pkgs. each, of puffed wheat, at Baltimore, Md.



SHIPPED: Between 6-15-61 and 7-13-61, from outside the State of Maryland, by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Quaker Puffed Rice \* \* \* Weight 4½ Oz. Net [or "Weight 6¾ Oz. Net"] Manufactured by The Quaker Oats Company \* \* \* Chicago" and "Quaker Puffed Wheat \* \* \* Weight 4 Oz. Net [or "Weight 6 Oz. Net"] Manufactured by The Quaker Oats Company \* \* \* Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 7-19-61, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-6-61. Consent—distributed to a charitable institution.

**27942. Puffed wheat and puffed rice.** (F.D.C. No. 46111. S. Nos. 79-536/7 R.)

QUANTITY: 51 cases, 18 pkgs. each, of puffed wheat, and 91 cases, 18 pkgs. each, of puffed rice, at Landover, Md.

SHIPPED: 7-7-61, from Lemoyne, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Quaker Puffed Wheat \* \* \* Weight 6 Oz. Net [or "Quaker Puffed Rice \* \* \* Weight 6¾ Oz. Net"] Manufactured by The Quaker Oats Company Chicago."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: 7-27-61, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 12-26-61. Consent—distributed to a charitable institution.

**27943. Batter mix.** (F.D.C. No. 45911. S. No. 70-842 R.)

QUANTITY: 225 50-lb. bags at Boston, Mass., in possession of Kelso Warehouse, Inc.

SHIPPED: 11-23-60, from Chicago, Ill.

LIBELED: 5-29-61, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-10-61. Default—delivered to a public institution for use as animal feed.

## DAIRY PRODUCTS

### BUTTER

**27944. Butter.** (F.D.C. No. 43749. S. No. 39-521 R.)

QUANTITY: 49 16-lb. cases at St. Louis, Mo.

SHIPPED: 9-12-60, from Omaha, Nebr., by Harding Creamery Co.

LABEL IN PART: "Meramec Farms Butter Packed by Sugar Creek Creamery Division, National Dairy Products Corporation, Danville, Illinois Churned from Pasteurized Cream."

LIBELED: 9-23-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insect parts when shipped.

DISPOSITION: 10-31-60. Default—delivered to a charitable institution for use as animal feed.

**27945. Butter.** (F.D.C. No. 44645. S. Nos. 33-906/07 R.)

INFORMATION FILED: 1-24-61, E. Dist. N.Y., against Superior Farms Creamery, Inc., Brooklyn, N.Y., and Beno Bazar, vice president.

ALLEGED VIOLATION: On 3-10-60, while the article was being held for sale after shipment in interstate commerce, the defendants caused a quantity of water to be added to the article which was cut into prints, and labeled in part "8 Oz. Net Sweet Ehmer Churned Fresh Farm Butter Grade A Dist. by Ehmer's Pork Stores \* \* \* Packed by Superior Farms Creamery, Inc.," which resulted in the article being adulterated.

CHARGE: 402(b)(2)—water had been substituted in part for butter; and 402(b)(4)—water had been added to and mixed and packed with the article so as to increase its bulk and weight, and to reduce its quality and strength, and to make it appear better and of greater value than it was.

PLEA: Guilty.

DISPOSITION: 11-30-61. Corporation fined \$750; individual fined \$1.

**27946. Whipped butter.** (F.D.C. No. 43773. S. No. 5-430 T.)

QUANTITY: 75 cases, 48 ctns. each, at Brentwood, Md.

SHIPPED: 5-7-62, from Sioux City, Iowa, by Hanford Produce Co., a Div. of Swift & Co.

LABEL IN PART: (Ctn.) Gottlieb's Whipped Butter Sweet Net Wt. 8 Oz. Distributed by Harry Gottlieb Inc. Baltimore & Washington."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 5-11-62, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-31-62. Consent—claimed by Swift & Co., and released under bond for reprocessing into butter oil.

## FISH AND SHELLFISH

**27947. Frozen flounder fillets.** (F.D.C. No. 47427. S. No. 41-389 T.)

QUANTITY: 141 cases, each containing 10 ctns. of cellophane-wrapped fish fillets, at Newark, N.J.

SHIPPED: 3-14-62, from Chicago, Ill., by Pick-Shapiro Fisheries, Inc.

LABEL IN PART: (Ctn.) "UMF Brand Frozen Fillets Flounder 5 Pounds Net United Maritime Fisherman Ltd.—Halifax, Nova Scotia, Canada A product of Canada" and (fillets) "UMF Brand Frozen Flounder Fillets To be Weighed at time of sale \* \* \* United Maritime Fishermen Ltd. 210 Roy Bldg., Halifax, Nova Scotia."

LIBELED: 4-10-62, Dist., N.J.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped.

DISPOSITION: 5-14-62. Default—destruction.

**27948. Frozen haddock fillets.** (F.D.C. No. 46480. S. Nos. 6-906/7 T.)

QUANTITY: 45 cases, 10 5-lb. ctns. each, and 47 cases, 5 10-lb. ctns. each, at Boston, Mass.



**SHIPPED:** These fillets were from fish caught by the fishing vessel "Jane B" in the Atlantic Ocean outside the limits of Massachusetts and landed at the Boston Fish Pier on 9-7-61.

**LIBELED:** 9-29-61, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish fillets when shipped.

**DISPOSITION:** 11-29-61. Consent—claimed by Baker, Boies & Watson Co., Inc., Boston, Mass. Segregated; 680 lbs. destroyed.

**27949. Frozen perch fillets.** (F.D.C. No. 45887. S. No. 65-724 R.)

**QUANTITY:** 345 cases, 50 1-lb. pkgs. each, at Williamsburg, Va.

**SHIPPED:** 4-7-61, from Boston, Mass., by Shamrock Fisheries.

**LABEL IN PART:** (Pkg.) "Net Wt. 1 Pound Booth Famous Foods Quick Frozen Ocean Perch Tastyloins Dist. by Booth Fisheries Corp., \* \* \* Chicago, Ill." (case "Fabet Div. Booth Fisheries, Gloucester, Mass Pkd. Apr. 61 \* \* \* Booth Ocean Perch Lot 10744 Fillet 44 61 50-1s.")

**LIBELED:** 5-12-61, E. Dist. Va.

**CHARGE:** 402(a) (3)—contained parasitic copepods when shipped.

**DISPOSITION:** 6-5-61; amended decree 7-7-61. Consent—claimed by Booth Fisheries Corp. Segregated; 1,518 1-lb. pkgs. destroyed.

**27950. Frozen perch fillets.** (F.D.C. No. 45959. S. No. 80-424 R.)

**QUANTITY:** 70 10-lb. ctns. at Boston, Mass.

**SHIPPED:** The fillets were from fish caught by the fishing vessel "Baby Rose" in the Atlantic Ocean outside the territorial limits of Massachusetts and unloaded at Boston, Mass., on 5-25-61.

**LIBELED:** 6-15-61, Dist. Mass.

**CHARGE:** 402(a) (3)—contained parasitic copepods when shipped.

**DISPOSITION:** 7-25-61. Default—delivered to a public institution for use as animal feed.

**27951. Frozen perch fillets.** (F.D.C. No. 46272. S. No. 70-715 R.)

**QUANTITY:** 119 cases, 5 10-lb. ctns. each, at Gloucester, Mass.

**SHIPPED:** 7-24-61, from the Atlantic Ocean outside the territorial limits of Massachusetts.

**LIBELED:** 8-23-61, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 10-2-61. Default—delivered to a public institution for use as animal feed.

**27952. Frozen perch fillets.** (F.D.C. No. 46274. S. No. 81-304 R.)

**QUANTITY:** 933 cases, 12 1-lb. pkgs. each, at Gloucester, Mass.

**SHIPPED:** 7-24-61, from the Atlantic Ocean outside the territorial limits of Massachusetts.

**LIBELED:** 8-23-61, Dist. Mass.

**CHARGE:** 402(a) (3)—contained decomposed fish while held for sale.

**DISPOSITION:** 10-2-61. Default—delivered to a public institution for use as animal feed.

**27953. Frozen fish fillets.** (F.D.C. No. 47174. S. No. 156 T.)

QUANTITY: 401 cases, 10 ctns. each, at Tarpon Springs, Fla.

SHIPPED: Between 10-24-61 and 1-2-62, from Progreso Yuc. Mexico, by Pescados Del Sureste, S.A.

LABEL IN PART: (Case) "Ancote Seafood Co. Brand Fresh Frozen Fillets Tarpon Springs Florida \* \* \* Packed By: Pescados Del Sureste, S.A. Progreso Yuc. Mexico 10/G-60 Lbs. \* \* \* Product of Mexico" ["Snapper Fillets" rubber stamped on case label]; (ctn.) "Fresh Frozen ["Mexican Snapper Fillets 34" rubber stamped] Packed for Ancote Seafood Co. Tarpon Springs Fla. \* \* \* By Pescados Del Sureste, S.A. Progreso Yuc. Mexico Net Weight 6 Lbs. \* \* \* Product of Mexico."

RESULTS OF INVESTIGATION: Examination showed that the article contained grouper fish fillets.

LIBELED: 2-26-62, S. Dist. Fla.

CHARGE: 403(a)—when shipped, the label statement "Snapper" is false and misleading as applied to a product consisting of grouper fish fillets; and 403(b)—the article was offered for sale under the name of another food, namely, snapper fillets.

DISPOSITION: 5-18-62. Consent—claimed by Ancote Seafood Co., and relabeled.

**27954. Frozen whitefish fillets.** (F.D.C. No. 45392. S. No. 22-120 R.)

QUANTITY: 40 cases, 4 boxes each, at Detroit, Mich.

SHIPPED: 10-1-60, from Detroit, Mich., by J. Kozloff Fish Distributors, Inc., to Chicago, Ill., and returned to Detroit, Mich., on 1-6-61.

LABEL IN PART: (Box) "Sportsman Brand Quick Frozen Fillets Net Wt. 13½ lbs. Fish 15 lbs. Glazed Wt. Packed for J. Kozloff Fish Dist., Inc. \* \* \* Detroit, Mich. Product of Canada."

LIBELED: 1-18-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped.

DISPOSITION: 12-4-61. Default—destruction.

**27955. Frozen whiting.** (F.D.C. No. 46113. S. No. 70-705 R.)

QUANTITY: 155 cases, 5 10-lb. ctns. each, at Gloucester, Mass.

SHIPPED: The fish were caught in the Atlantic Ocean outside the territorial limits of Massachusetts and delivered on 6-28-61, to Gloucester, Mass.

LABEL IN PART: (Case) "Imperial Brand H & G Whiting 5/10's Net 50 Lot 378 6/14/61" (insert label in 10-lb. ctn.) "Imperial Brand Headless Whiting Fresh Frozen To Be Weighed at Time of Sale Imperial Seafoods Co., Inc., Gloucester, Mass."

RESULTS OF INVESTIGATION: The fish were prepared and packed by Imperial Sea Foods, Inc., Gloucester, Mass.

LIBELED: 7-26-61, Dist. Mass.

CHARGE: 402(a)(3)—contained partially eviscerated fish and decomposed fish while held for sale.

DISPOSITION: 10-16-61. Default—delivered to a public institution for use as animal feed.

**27956. Canned tunafish.** (F.D.C. No. 45491. S. No. 27-082 R.)

QUANTITY: 74 cases, 24 cans each, at Boston, Mass.



**SHIPPED:** 11-29-60, from Terminal Island, Calif., by Franco-Italian Packing Co.

**LABEL IN PART:** (Can) "Sea Boy Solid White Tuna \* \* \* Contents 13 oz. Avoir. Distributed by Franco-Italian Packing Co. Terminal Island, Calif."

**LIBELED:** 2-23-61, Dist. Mass.

**CHARGE:** 403(h)(2)—when shipped, the article fell below the standard of fill of container for canned tuna since the regulations provide that the standard for canned tuna in which the tuna is in solid form is a fill such that the average weight of pressed cake from 24 cans in a container designated as 401 x 206 is not less than 8.76 ounces, whereas the article was in containers of the above-mentioned size in which the tuna was in solid form and the average weight of pressed cake from 24 cans was less than 8.76 ounces, and the label of the article failed to bear a statement that it fell below such standard.

**DISPOSITION:** 4-21-61. Consent—claimed by Franco-Italian Packing Co. and relabeled.

**27957. Canned oyster stew.** (F.D.C. No. 46059. S. No. 27-046 R.)

**QUANTITY:** 238 cases, 24 8-oz. cans each, at Los Angeles, Calif.

**SHIPPED:** 4-7-61, from Seattle, Wash., by Can Go Shippers Association.

**LABEL IN PART:** (Can) "Carnation Oyster Stew Helps to maintain mental and physical vigor, for it is rich in iron, iodine, phosphorous, copper and magnesium. High in Protein—Low in Calories \* \* \* Distributed by Seafare Corporation Los Angeles, Calif."

**LIBELED:** 7-6-61, S. Dist. Calif.

**CHARGE:** 403(a)—when shipped, the label statement "High in Protein—Low in Calories," was false and misleading since it was contrary to fact; and 403(a)—the label bore false and misleading representations that the article was adequate and effective to promote mental and physical vigor.

**DISPOSITION:** 9-6-61. Consent—claimed by Seafare Corp., Los Angeles, Calif., and relabeled.

**27958. Frozen breaded shrimp.** (F.D.C. No. 46995. S. Nos. 25-517 T, 26-231 T, 26-443 T, 26-445 T.)

**QUANTITY:** 611 cases, 24 10-oz. boxes each, at Detroit, Mich.

**SHIPPED:** 10-14-61 and 10-25-61, from Harlingen, Tex., by Western Shell Fish Co., Inc.

**LABEL IN PART:** (Box) "Fisherman's Choice Breaded Fantail Shrimp \* \* \* Distributed by Western Shell Fish Co., Inc. Harlingen, Texas."

**LIBELED:** 1-29-62, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained *E. coli*, coagulase positive staphylococci, and high total bacterial counts; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 5-11-62. Default—destruction.

**27959. Frozen shrimp.** (F.D.C. No. 45385. S. No. 43-187 R.)

**QUANTITY:** 1,150 cases, 10 5-lb. pkgs. each, at Watsonville, Calif.

**SHIPPED:** 11-14-60, from Nogales, Ariz., by Wilbur-Ellis Co.

**LABEL IN PART:** (Ctn.) "5 Lbs. Net. Weight Gulf of California Frozen Fresh Shrimp Product of Mexico Packed For Ocean Garden Products Inc. San

Diego, California \* \* \* Quick Frozen From The Clear Blue Waters of the Gulf of California."

**LIBELED:** 1-13-61, N. Dist. Calif.

**CHARGE:** 402(a) (3)—contained miscellaneous dirt and was otherwise unfit for food by reason of smoke contamination when shipped.

**DISPOSITION:** 2-8-61. Consent—claimed by Wilbur-Ellis Co., San Francisco, Calif. Segregated; 417 cases denatured for use as bait.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**27960. Canned peaches.** (F.D.C. No. 46083. S. No. 42-370 R.)

**QUANTITY:** 98 cases, 24 cans each, at Philadelphia, Pa.

**SHIPPED:** 5-19-61, from San Jose, Calif., by Sun Garden Packing Co.

**LABEL IN PART:** (Can) "Elna Yellow Freestone Elberta Peaches Mixed Slices of Irregular Sizes and Shapes in Heavy Sirup Contents 1 Lb. 12 Oz. Elna Brands Inc. Distributors—Chicago, Illinois."

**LIBELED:** 7-14-61, E. Dist. Pa.

**CHARGE:** 403(h) (2)—when shipped, the article purported to be and was represented as canned peaches, a food for which a standard of fill of container has been prescribed by regulations, and it fell below such standard since there was not present in the container of the article the maximum quantity of the optional peach ingredient which could be sealed in the container and processed by heat so as to prevent spoilage, without crushing or breaking such ingredient; and its label failed to bear, as required by regulations, a statement that it fell below such standard.

**DISPOSITION:** 4-25-62. Default—delivered to a charitable institution.

**27961. Maraschino cherries.** (F.D.C. No. 46355. S. No. 23-102 T.)

**QUANTITY:** 57 cases, 12 jars each, at Denver, Colo.

**SHIPPED:** Between 7-25-61 and 9-28-61, from Oakland, Calif., by Safeway Stores, Inc.

**LABEL IN PART:** (Case) "12 Red 16 Oz. Empress \* \* \* Maraschino Cherries" and (jar) "Empress Maraschino Cherries in Heavy Syrup Net Wt. 1 Lb. Contains \* \* \* Safeway Stores, Inc. Dist. \* \* \* Oakland, Calif."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 10-9-61, Dist. Colo.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 12-26-61. Consent—claimed by Pacific Cherry & Fruit Corp., Los Angeles, Calif., and relabeled.

**27962. Maraschino cherries.** (F.D.C. No. 47569. S. Nos. 56-108/9 T.)

**QUANTITY:** 142 cartons, 24 jars each, at Brooklyn, N.Y.

**SHIPPED:** 3-8-62, from Elizabeth, N.J., by Wakefern Food Corp.

**LABEL IN PART:** (Jar lid) "Three Star Brand Maraschino Cherries Contents 10½ Oz. Avd. Packed by Paradise Packing Co., Brooklyn, N.Y."



**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 5-3-62, E. Dist. N.Y.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 5-29-62. Consent—claimed by Goodman Products Corp., Brooklyn, N.Y., and released under bond for repacking and relabeling.

**27963. Diced fruit.** (F.D.C. No. 46615. S. No. 39-746 T.)

**QUANTITY:** 350 35-lb. cans at Brooklyn, N.Y.

**SHIPPED:** 10-7-61, from North East, Pa., by Ohio Fruit Products Co., Inc.

**LABEL IN PART:** (Can) “\* \* \* 35 lbs. Diced Fruit Mix No. 3 Lot 5748 Ohio Fruit Prod. Co. No. East, Pa.”

**LIBELED:** 12-28-61, E. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained *Drosophila* flies; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 2-19-62. Default—destruction.

### VEGETABLES AND VEGETABLE PRODUCTS

**27964. Water-damaged asparagus, groceries, and honey in jars.** (F.D.C. No. 44983. S. No. 35-982 R.)

**QUANTITY:** 48 cartons, totaling 788 lbs. of asparagus; 48 cartons, totaling 1,488 lbs. of groceries; and 48 cartons, totaling 1,488 lbs. of honey in jars, at Brooklyn, N.Y.

**SHIPPED:** On 8-26-60, the articles were delivered to a shipper in Brooklyn, N.Y., for shipment to Iceland.

**RESULTS OF INVESTIGATION:** Inspection showed that the articles had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the articles were stored.

**LIBELED:** 10-13-60, E. Dist. N.Y.

**CHARGE:** 402(a) (4)—held under insanitary conditions while in interstate commerce.

**DISPOSITION:** 7-12-61. Consent—destruction.

**27965. Dried Great Northern beans.** (F.D.C. No. 45574. S. Nos. 17-454 R.)

**INFORMATION FILED:** 6-26-61, Dist. Colo., against the Northern Bean Co., a corporation, Eaton, Colo., and Ralph A. Strong, secretary-treasurer and general manager.

**ALLEGED VIOLATIONS:** Between 9-17-59 and 7-12-60, while quantities of Great Northern beans were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building accessible to and infested with rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

**CHARGE:** 402(a) (3)—contained rodent hairs and rodent urine; and 402(a) (4)—held under insanitary conditions.

**PLEA:** Guilty.

DISPOSITION: 10-6-61. Corporation fined \$100; individual placed on probation for 2 years.

**27966. Dried red beans.** (F.D.C. No. 46428. S. Nos. 50-556/7 R, 51-852/5 R.)

QUANTITY: 5,452 100-lb. bags at Buhl, Idaho.

SHIPPED: Between 6-5-61 and 6-22-61, from Wenatchee, Wash., by Northwest Pea & Bean Co.

LABEL IN PART: "Quincy Brand Washington Beans Small Red Packed by Mid-Valley Warehouse Co. Quincy, Wash."

LIBELED: 9-6-61, Dist. Idaho.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, Dieldrin, which is unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 12-15-61. Consent—claimed by James H. Shields, Jr., James T. Shields, and Jane Shields Redman, t/a Shields, Buhl, Idaho, and denatured for use as seed beans.

**27967. Split peas.** (F.D.C. No. 46446. S. No. 80-962/3 R.)

QUANTITY: 12 100-lb. bags at Boston, Mass.

SHIPPED: 2-8-61 and 5-1-61, from Spokane, Wash.

LIBELED: 9-11-61, Dist. Mass.

CHARGE: 402(a)(3)—contained live insect larvae, insect parts, insect pupae, and insect excreta while held for sale.

DISPOSITION: 10-17-61. Default—delivered to a public institution for use as animal feed.

**27968. Dried soybeans.** (F.D.C. No. 46530. S. No. 45-564 T.)

QUANTITY: 100,000 lbs. at Memphis, Tenn.

SHIPPED: 10-26-61, from Phillip, Miss., by Phillip Bean Elevator.

LIBELED: 11-14-61, W. Dist. Tenn.

CHARGE: 402(a)(1)—when shipped, contained crotalaria seeds, a poisonous or deleterious substance, in a quantity which ordinarily renders the article injurious to health.

DISPOSITION: 11-29-61. Consent—claimed by Phillip Bean Elevator Co. Segregated; 5,900 lbs. destroyed.

**27969. Dried pinto beans.** (F.D.C. No. 46044. S. No. 51-023 R.)

QUANTITY: 400 100-lb. bags at Hynes Siding, Idaho.

SHIPPED: 6-3-61, from Twin Falls, Idaho, by W. J. Peters Warehouse Co., and returned, 6-6-61, from Stockton, Calif.

LABEL IN PART: (Bag) "Idaho Pinto Beans Packed by W. J. Peters Warehouse Company, Paul and Twin Falls, Idaho."

LIBELED: 6-29-61, Dist. Idaho.

CHARGE: 402(a)(3)—contained rodent urine when shipped.

DISPOSITION: 9-6-61. Consent—claimed by William J. Peters and converted for use as seed.



**27970. Canned green beans.** (F.D.C. No. 47225. S. No. 35-921 T.)

**QUANTITY:** 69 cases, 24 cans each, at Minneapolis, Minn.

**SHIPPED:** 12-30-61, from Alma, Ark., by HLH Parade Co., Div. of Hunt Oil Co.

**LABEL IN PART:** (Can) "Hallmark Cut Green Beans Contents 15½ Oz. Avoir. Packers & Distributors HLH Parade Company General Offices: Dallas, Texas."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-8-62, Dist. Minn.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-25-62. Default—delivered to a charitable institution.

**27971. Canned corn.** (F.D.C. No. 46999. S. No. 4-511 T.)

**QUANTITY:** 40 cases, 6 6-lb. 10-oz. cans each, at Roanoke, Va.

**SHIPPED:** 10-16-61, from Streator, Ill., by Streator Canning Co.

**LABEL IN PART:** (Can) "Pontiac Brand Cream Style Golden Sweet Corn \* \* \* Packed by Streator Canning Company, Streator, Ill."

**LIBELED:** 2-8-62, W. Dist. Va.

**CHARGE:** 402(a) (3)—contained insects and insect fragments.

**DISPOSITION:** 4-13-62. Default—delivered to a public institution for use as animal feed.

## TOMATOES AND TOMATO PRODUCTS

**27972. Canned tomatoes.** (F.D.C. No. 46540. S. No. 45-067/8 T.)

**QUANTITY:** 938 cases, 24 1-lb. cans each, at Burlington, Iowa.

**SHIPPED:** Between 9-1-61 and 10-13-61, from Lomax, Ill., by Lomax Canning Co.

**LABEL IN PART:** (Can) "Cascade Inn Tomatoes \* \* \* Net Weight 1 Lb., distributed by Benner Tea Company, Burlington, Iowa."

**LIBELED:** 11-20-61, S. Dist. Iowa.

**CHARGE:** 403(h) (1)—when shipped, the article fell below the standard of quality for canned tomatoes because of excess peel and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** 12-20-61. Consent—claimed by Lomax Canning Co., and relabeled.

**27973. Canned tomatoes.** (F.D.C. No. 45828. S. No. 11-194 R.)

**QUANTITY:** 955 cases, 24 1-lb. cans each, at Murrysville, Pa.

**SHIPPED:** 4-4-61, from Preston, Md., by Lord-Mott Co., Inc.

**LABEL IN PART:** (Can) "Cottage Tomatoes Net Contents 1 Pound \* \* \* Distributed by Lord-Mott Co., Inc., Baltimore, Md."

**LIBELED:** 6-8-61, W. Dist. Pa.; amended libel 7-17-61.

**CHARGE:** 402(a) (3)—contained fly eggs and maggots when shipped.

**DISPOSITION:** 12-6-61. Consent—claimed by Williamsburg Canning Co., Inc., Williamsburg, Md. Segregated; 39 cases plus 3 cans destroyed.

**27974. Canned tomatoes.** (F.D.C. No. 46515. S. No. 2-315 T.)

QUANTITY: 724 cases, 24 1-lb. cans each, at Tifton, Ga.

SHIPPED: On an unknown date, from Tampa, Fla., to Griffin, Ga., and reshipped on 5-4-61, from Griffin, Ga.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing progressive decomposition.

LIBELED: 10-24-61, M. Dist. Ga.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 1-24-62. Consent—claimed by Sugar Rose Canning Co., Tampa, Fla. Segregated; 3 cases destroyed.

**27975. Canned tomatoes.** (F.D.C. No. 46548. S. No. 46-614 T.)

QUANTITY: 342 cases, 24 1-lb. cans each, at Prairie Grove, Ark.

SHIPPED: 8-21-61, from Prairie Grove, Ark., by Kelly Canning Co., to Joplin, Mo., and returned on 10-31-61.

LABEL IN PART: (Can) "Raider Tomatoes Contents 1 Pound Distributed by Griffin Grocery Co. Oklahoma-Texas-Arkansas."

LIBELED: 11-21-61, W. Dist. Ark.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-23-62. Consent—claimed by Kelly Canning Co. Segregated; 29 cases and 1 can destroyed.

**27976. Canned tomatoes.** (F.D.C. No. 46505. S. No. 45-585 T.)

QUANTITY: 186 cases, 6 cans each, at Water Valley, Ky.

SHIPPED: Between 8-4-61 and 8-14-61, from Gibson, Tenn., by Water Valley Canning Co.

LABEL IN PART: (Can) "Hand Packed Kentucky Tomatoes Contents 1 Lb. Packed for Water Valley Canning Company, Water Valley, Ky."

RESULTS OF INVESTIGATION: Examination showed that each can of the article contained 6 lbs., 9.10 ozs.

LIBELED: 10-19-61, W. Dist. Ky.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(h)(1)—the quality of the article fell below the standard of quality for canned tomatoes since the article contained tomato peel per pound of canned tomatoes in the container which covered an area of more than one square inch, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 5-29-62. Default—delivered to a charitable institution.

**27977. Tomato juice cocktail.** (F.D.C. No. 47216. S. No. 35-855 T.)

QUANTITY: 320 cases, 12 26-oz. btls. each, at Minneapolis, Minn.

SHIPPED: 11-6-61, from South Dayton, N.Y., by Curtice Burns, Inc.

LABEL IN PART: (Case) "Blue Label Tomato Juice Cocktail Packed by Curtice Brothers Co. Rochester, N.Y." and (btl.) "Blue Label Tomato Juice Cocktail \* \* \* Distributed by WS&A Co., Minneapolis, Minn."

LIBELED: 3-2-62, Dist. Minn.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale; and 403(e)(1)—when shipped the label failed to bear the name of the manu-



facturer, packer, or distributor, since "WS&A Co." was not a firm name registered to do business in the State of Minnesota and since the name "WS&A Co." and its place of business was not listed in the current city or telephone directory.

DISPOSITION: 4-13-62. Default—destruction.

**27978. Tomato juice and tomato puree.** (F.D.C. No. 45678. S. Nos. 15-623 R, 20-960 R.)

INFORMATION FILED: 7-10-61, E. Dist. Ky., against John Ahlbrand, t/a Ahlbrand Sales Co., Newport, Ky.

SHIPPED: 3-15-60 and 5-25-60, from Kentucky to Ohio.

LABEL IN PART: (Can) "KNIGHT'S NET CONTENTS 6 LBS. 10 OZS. TOMATO PUREE Distributed by JOHN AHLBRAND Newport, Ky."

CHARGE: 402(a)(3)—the tomato juice contained decomposed tomato material and the tomato puree contained fly eggs and maggots; and 403(g)(2)—the tomato juice purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations, and it failed to bear a label containing the name of the food specified in such definition and standard.

PLEA: Guilty.

DISPOSITION: 9-26-61. \$400 fine.

## MEAT PRODUCTS AND POULTRY

**27979. Fried pork rinds.** (F.D.C. No. 46212. S. No. 78-884 R.)

QUANTITY: 52 cases, 12 jars each, at Baltimore, Md.

SHIPPED: 5-31-61, from Atlanta, Ga., by Filler Products, Inc.

LABEL IN PART: (Jar) "Filler's Taste Thrillers Ready-To-Eat Bacon Krisp fried Pork Rinds \* \* \* Our Original Flavor [or "Garlic Flavored" or "Onion Flavored"] Mfg. by Filler Products, Inc. Atlanta, Ga. \* \* \* Net Wt. 1¾ Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-1-61, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(f)—the information required by Sections 403(e) and (i)(2) to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, the quantity of contents, and the ingredient statements, were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-6-61. Default—destruction.

**27980. Kangaroo meat.** (F.D.C. No. 45393. S. No. 26-126 R.)

QUANTITY: 78 70-lb. cases at Los Angeles, Calif.

SHIPPED: 1-14-60, from Sydney, Australia.

LIBELED: 1-18-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments, animal hairs, and decomposed meat while held for sale.

DISPOSITION: 6-13-61. Consent—claimed by Miller Hays & Co., Glendale, Calif., and converted into dog food.

**27981. Frozen dressed chickens.** (F.D.C. No. 46482. S. No. 3-422 T.)

QUANTITY: 500 cases, containing 65 lbs. each, at Baltimore, Md.

SHIPPED: 9-15-61, from Cleveland, Ohio, by Sam Braman & Son.

LABEL IN PART: (Case) "Sunny Boy Ready to Cook Frozen HD \_\_\_\_\_ Net Wt. 65 lbs. Fowl For Canning (Parts Missing) Sam Braman & Son Cleveland, Ohio No. 3663 [or "3660"]."

LIBELED: 10-2-61, Dist. Md.

CHARGE: 402(a)(3)—contained decomposed chickens when shipped.

DISPOSITION: 12-8-61. Consent—claimed by Midwest-Emery Freight System, Inc. Segregated; 1,345 lbs. denatured and delivered to a rendering company.

**27982. Raw chicken fat.** (F.D.C. No. 47407. S. No. 14-520 T.)

QUANTITY: 141 30-lb. cans at Shabbona, Ill.

SHIPPED: Prior to 3-5-62, from Palmetto, Fla., by Manatee Poultry Products, Inc.

LABEL IN PART: (Can) "Fat."

LIBELED: 3-23-62, N. Dist. Ill.

CHARGE: 402(a)(3)—when shipped, the article contained rancid fat; 403(e)—the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; and 403(i)(1)—the article failed to bear the common or usual name of the food.

DISPOSITION: 5-23-62. Default—destruction.

## NUTS AND NUT PRODUCTS

**27983. Shelled peanuts.** (F.D.C. No. 46992. S. Nos. 27-826 T, 28-745/46 T.)

QUANTITY: 50 119-lb. bags, and 17 124-lb. bags at Kansas City, Mo., in possession of Dye Candy Co.

SHIPPED: (50 bags) prior to 10-23-61; and (17 bags) prior to 11-30-61, from Anadarko, Okla.

LIBELED: 1-25-62, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine, and (50-bag lot) contained fruiting mold; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-18-62. (50-bag lot) Consent—claimed by Pond Bros. Peanut Co., Inc., Suffolk, Va. Segregated; 21 bags converted for use as seed and animal feed. 5-18-62. (17-bag lot) Default—delivered to a charitable institution for use as animal feed.

**27984. Shelled peanuts.** (F.D.C. No. 46043. S. No. 80-448 R.)

QUANTITY: 280 125-lb. bags at Everett, Mass.

SHIPPED: 6-9-61, from Sylvester, Ga., by Houston Peanut Co.

LIBELED: 6-23-61. Dist. Mass.



**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 7-24-61. Consent—claimed by Houston Peanut Co. Segregated; 30 lbs. converted into animal feed.

**27985. Shelled peanuts.** (F.D.C. No. 46533. S. No. 30-936 T.)

**QUANTITY:** 15 112-lb. bags at Los Angeles, Calif.

**SHIPPED:** 3-20-61, from Severn, N.C.

**LIBELED:** 11-15-61, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insect larvae, insect parts, insect excreta, and insect webbing while held for sale.

**DISPOSITION:** 12-5-61. Default—destruction.

**27986. Shelled peanuts.** (F.D.C. No. 46790. S. Nos. 28-882 T, 29-202/4 T.)

**QUANTITY:** 92 119.25-lb. bags and 76 bags, at St. Joseph, Mo., in possession of Chase Candy Co.

**SHIPPED:** 9-26-61 and 11-8-61, from Houston, Tex.

**LIBELED:** 12-13-61, W. Dist. Mo.

**CHARGE:** 402(a)(3)—contained rodent urine, rodent excreta pellets, and rodent-gnawed peanuts; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-19-62. Consent—claimed by Chase Candy Co., and converted into peanut seed.

**27987. Shelled Spanish peanuts.** (F.D.C. No. 44872. S. No. 11-850 R.)

**QUANTITY:** 146 120-lb. bags at Wheeling, Ill.

**SHIPPED:** 8-4-60, from Fitzgerald, Ga., by Dixie Peanut Co., Inc.

**LABEL IN PART:** (Tag) "No. 1 Spanish Peanuts Packed by Dixie Peanut Company, Fitzgerald, Georgia."

**LIBELED:** 8-29-60, N. Dist. Ill.

**CHARGE:** 402(a)(3)—contained insects and insect-damaged peanuts; and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 9-19-60. Consent—claimed by Dixie Peanut Co., and converted into animal feed.

**27988. Shelled Spanish peanuts.** (F.D.C. No. 44793. S. No. 39-313 R.)

**QUANTITY:** 24 120-lb. bags at Bloomington, Ill.

**SHIPPED:** 8-3-60, from Fitzgerald, Ga., by Dixie Peanut Co., Inc.

**LABEL IN PART:** "No. 1 Shelled Spanish Peanuts Net 120 Lbs.—Dixie Peanut Company, Fitzgerald, Ga."

**LIBELED:** 9-14-60, S. Dist. Ill.

**CHARGE:** 402(a)(3)—contained insects and insect-damaged peanuts when shipped.

**DISPOSITION:** 10-13-60. Consent—claimed by Dixie Peanut Co., and converted into animal feed.

**27989. Unshelled peanuts.** (F.D.C. No. 46879. S. Nos. 45-504 T, 45-510 T.)

**QUANTITY:** 55 50-lb. bags and 33 100-lb. bags, at Memphis, Tenn., in possession of M. E. Carter & Co.

**SHIPPED:** (55-bag lot) 10-22-61, from Portales, N. Mex., and (33-bag lot) 11-8-61, from Suffolk, Va.

**LIBELED:** 1-10-62, W. Dist. Tenn.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-23-62. Consent—claimed by M. E. Carter & Co., 55-bag lot relabeled for peanut seed; 33-bag lot, segregated; 115 lbs. destroyed.

**27990. Shelled pecans.** (F.D.C. No. 46019. S. Nos. 24-407/8 R, 39-197 R, 49-363/4 R, 67-461 R, 18-489 T.)

**INFORMATION FILED:** 12-29-61, N. Dist. Tex., against Johnnie Ferrantello, t/a Texas Nut Co., Dallas, Tex.

**SHIPPED:** Between 11-11-60 and 11-27-61, from Texas to Arkansas, New Mexico, and Oklahoma.

**LABEL IN PART:** (Pkg.) "WUNDER PAK PECANS ONE FULL POUND [or "Net Wt. 3 Oz."] TEXAS NUT COMPANY, DALLAS, TEXAS," "SIGN POST BRAND PECANS NET WT. 6 OZ. [or "NET WT. 12 OZ."] DISTRIBUTED BY THE FARMER COMPANY POST OFFICE BOX 13666 DALLAS 24, TEXAS," "WUNDER PAK PECANS NET WT. 6 OZ. GEO. WUNDERLICK CO., INC., DALLAS HOUSTON AMARILLO."

**CHARGE:** 402(a)(3)—contained *E. coli*, a microorganism indicative of fecal contamination; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 2-3-62. \$525 fine.

**27991. Shelled pecans.** (F.D.C. No. 46943. S. No. 13-644 T.)

**QUANTITY:** 10 30-lb. boxes, at Chicago, Ill., in possession of Ace Pecan Co.

**SHIPPED:** 12-5-61, from Canton, Miss.

**RESULTS OF INVESTIGATION:** Article shipped in bulk and repacked by the dealer into boxes as described above.

**LIBELED:** 1-25-62, N. Dist. Ill.

**CHARGE:** 402(a)(3)—while held for sale, contained *E. coli*; 402(a)(4)—prepared and packed under insanitary conditions; and 403(e)(1)—the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** 3-5-62. Consent—claimed by Ace Pecan Co., and reconditioned to be brought into compliance with the law.

**27992. Peanut butter.** (F.D.C. No. 47266. S. No. 18-092 T.)

**QUANTITY:** 205 cases, 12 jars each, at Houston, Tex.

**SHIPPED:** 10-14-61, from Chicago, Ill., by Swift & Co.

**LABEL IN PART:** (Jar) "Swift's Oz Peanut Butter 1 Lb. Net Wt. Contains \* \* \* Mfd. by Swift & Company, Gen. Off. Chicago, Ill." and (band of tape around each jar with ball point pen attached) "Free! Ball Point Pen."

**RESULTS OF INVESTIGATION:** Examination showed that the article bore labels on which the mandatory information was printed in black ink or white ink, with the information printed in black ink being in very small type on a poorly contrasting background, making it difficult to read. The opaque band of tape attaching the pen to the jar obscured the quantity of contents statement on both labels.



**LIBELED:** 3-28-62, S. Dist. Tex.

**CHARGE:** 403(f)—when shipped, the information required by (black and white ink) 403(e)(2), and (black ink) 403(e)(1), and (i)(2), to appear on the label, namely, the quantity of contents statement, the manufacturer's name and place of business, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 4-30-62. Consent—claimed by Swift & Co., and released under bond for relabeling.

**27993. Peanut butter.** (F.D.C. No. 46160. S. Nos. 81-962 R, 82-127 R.)

**QUANTITY:** 243 cases, 12 jars each, at Shreveport, La.

**SHIPPED:** 6-23-61 and 7-5-61, from Brundidge, Ala., by Brundidge Foods, Inc.,

**LABEL IN PART:** (Jar) "Plymouth Brand Net Wt. 1 Lb. 1 Oz. Easy Spread [or "Easy Spread Crunchy"] Peanut Butter \* \* \* Packed by Brundidge Foods, Inc., Brundidge, Ala. for exclusive sale in Piggly Wiggly Stores."

**RESULTS OF INVESTIGATION:** Examination showed the article to be short weight.

**LIBELED:** 8-2-61, W. Dist. La.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 9-8-61. Consent—claimed by Brundidge Foods, Inc., and relabeled.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

**27994. Hexavitamin tablets.** (F.D.C. No. 45497. S. No. 3-420 R.)

**QUANTITY:** 40 100-tablet btls. at Washington, D.C., in possession of Babbitt Cut Rate Stores, Inc.

**SHIPPED:** On an unknown date, from Long Island City, N.Y.

**LABEL IN PART:** (Btl.) "Hexavitamin U.S.P. Each tablet contains: Vitamin A 5000 U.S.P. Units Vitamin D 400 U.S.P. Units Vitamin B<sub>1</sub> 2 mg. Vitamin B<sub>2</sub> 3 mg. Niacinamide 20 mg. Vitamin C 75 mg. As a dietary supplement \* \* \* Distributed by General Vitamin Corp. Washington, D.C."

**RESULTS OF INVESTIGATION:** The article was shipped in bulk and repacked and labeled by the dealer.

**LIBELED:** 2-27-61, Dist. Columbia.

**CHARGE:** 403(j)—while held for sale, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B<sub>1</sub>, C, D, riboflavin (vitamin B<sub>2</sub>) and niacin or niacinamide supplied by such food when consumed in a specified quantity during a period of one day.

The libel alleged also that certain other articles were misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6583.

**DISPOSITION:** 6-8-61. Consent—claimed by Babbitt Cut Rate Stores, Inc., and released for relabeling.

27995. Leah's Delicious Diet With Ease. (F.D.C. No. 45727. S. No. 50-287 R.)

QUANTITY: 206 btls., each containing 100 wafers, at Denver, Colo.

SHIPPED: 2-16-61, from New York, N.Y., by Approved Formulas, Inc.

LABEL IN PART: (Btl.) "Leah's Delicious Diet with Ease Food Supplement For Appetite Control The Natural Way Safe—Sane—Simple \* \* \* Distributed by Leah's Foods, Aurora, Colo. No Drugs—No Tricks Really stems hunger like a meal—by providing nourishing protein. Only 4 calories per wafer. Children or Adults Chew or swallow 2 or 3 tasty wafers before meals or whenever hungry. Percent of Essential Amino Acids in each tablet: Arginine 3.34 \* \* \* Each 16 grains contain: Protein 75% Fat 1.4% Carbohydrate 14% 11357."

LIBELED: 4-19-61, Dist. Colo.

CHARGE: 403(a)—when shipped, the label contained representations that the article was of unusual benefit as a source of protein for special dietary use which were false and misleading since the article contained an insignificant amount of protein for such purposes.

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6696.

DISPOSITION: 6-7-61. Default—destruction.

27996. Aminos tablets, Torulose tablets, and Torulose powder. (F.D.C. No. 46053. S. Nos. 20-365/7 R.)

QUANTITY: 3 drums, containing 40,000 tablets each, and 74 200-tablet btls. of Aminos tablets; 2 drums containing 59,000 tablets, 50 250-tablet btls., 14 500-tablet btls., and 1 1,000-tablet btl. of Torulose tablets; and 46 1-lb. cans of Torulose powder, at Kalamazoo, Mich., in possession of Torrance Co.

SHIPPED: Aminos and Torulose tablets, 7-3-61, from Chicago, Ill.; and Torulose powder, 6-21-61, from Rhinelander, Wis.

LABEL IN PART: (Drum) "Private Formula No. P-28.789 \* \* \* Prepared for The Torrance Company. \* \* \* 19 Aminos Each Tablet Contains: Protein 5.77 gr., Yeast 1.73 gr., dl-Methionine 2 mg."; (btl.) "Torrance's 19 Aminos 7-½ grain Each tablet contains: \* \* \* The Torrance Co. Kalamazoo, Mich."; (drum) "Private Formula No. P-29.241 \* \* \* Prepared for the Torrance Company. \* \* \* Code #60824 F \* \* \* Each tablet contains: Torula Yeast 7-½ gr."; (btl.) "Torulose The King of Food Yeasts with the pleasing nut like flavor grown on the 'Sweet of the Spruce' Dosage: \* \* \* Manufactured for Jerico Laboratories Kalamazoo, Michigan"; (can) "Instant Yeast . . . With a Nut Like Flavor . . . Torulose \* \* \* King of Food Yeasts \* \* \* Manufactured for Jerico Laboratories, Kalamazoo, Michigan \* \* \* Each Tablespoonful (8 grams) Contains: \* \* \* Compared with a typical Brewer's Yeast."

ACCOMPANYING LABELING: Leaflets entitled "For Radiant Health Use Torulose." and additional labels for Torulose tablets.

RESULTS OF INVESTIGATION: The articles in the bottles and cans were shipped in bulk and repacked and labeled by the dealer.

LIBELED: 6-29-61, W. Dist. Mich.; amended libel filed 7-7-61.

CHARGE: Aminos tablets. 403(a)—while held for sale, the label contained false and misleading representations that the article would supply a significant amount of protein for special dietary supplementation; and was of unusual



benefit by reason of the presence therein of sufficient protein for special dietary supplementation following severe injury, to promote growth in children, and for use during pregnancy and lactation.

Torulose tablets and powder. 403(a)—while held for sale, the labeling contained false and misleading representations that the articles would supply significant amounts of cobalt, nickel, aluminum, manganese, sodium, silicon, potassium, and other factors and (tablets) of protein, for special dietary supplementation; and 403(f)—the common or usual name of the food, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

The libel alleged also that the Torulose tablets and powder and another article were misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6693.

DISPOSITION: 7-11-61. Consent—claimed by the dealer and released under bond for relabeling.

**27997. Lem-O-C Wafers.** (F.D.C. No. 45890. S. No. 53-566 R.)

QUANTITY: 180 250-wafer btls. at Minneapolis, Minn.

SHIPPED: 3-17-61, from St. Louis, Mo., by Private Formulae, Inc.

LABEL IN PART: "Lem-O-C Lemon Flavored Chewable Vitamin Candy Wafer Vitamin C 100 mg. 333% MDR \* \* \* Nu-Age Corporation, Box 5816, Minneapolis 19, Minn."

LIBELED: 5-17-61, Dist. Minn.

CHARGE: 403(a)—when shipped, the label statement "Chewable Vitamin Candy Wafers" was false and misleading since it implied and suggested that the article was confectionery, whereas it was not confectionery; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamin C supplied by such food when consumed in a specified quantity during a period of one day.

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6686.

DISPOSITION: 6-29-61. Default—destruction.

**27998. Coldene vitamin tonic with iron.** (F.D.C. No. 45882. S. No. 35-812 R.)

QUANTITY: 15,600 individually ctnd. btls. at Brooklyn, N.Y.

SHIPPED: 11-30-59, from Chicago, Ill., by Sanco Drug Co.

LABEL IN PART: (Btl. and ctn.) "Coldene Vitamin Tonic with Iron \* \* \* Each fluid oz. (2 Tablespoonfuls) contains: \* \* \* Riboflavin (B<sub>2</sub>) 4 mg. \* \* \* Pharma-Craft Corporation, Distrs. Cranbury, N.J."

ACCOMPANYING LABELING: Leaflet in carton entitled "Coldene Liquid Cold Medicine."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 68 percent of the declared amount of riboflavin.

LIBELED: 5-12-61, E. Dist. N.Y.

CHARGE: 402(b)(1)—when shipped and while held for sale, the valuable constituent riboflavin, had been in part omitted or abstracted from the article; 403(a)—the label statement “Each fluid oz. contains: \* \* \* Riboflavin (B<sub>2</sub>) 4 mg.” was false and misleading as applied to an article which contained less than the declared amount of riboflavin; the label statements “M.D.R. for Niacinamide \* \* \* not established.” and “Need in human nutrition for \* \* \* Methionine is not established,” were false and misleading since they were contrary to fact; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins B<sub>1</sub> and B<sub>2</sub>, and niacinamide and for iron supplied by such food when consumed in a specified quantity during the period of one day.

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6680.

DISPOSITION: 6-8-61. Default—destruction.

27999. Revco vitamin and mineral tablets. (F.D.C. No. 45522. S. Nos. 62-692/3 R.)

QUANTITY: 25 100-tablet btl. of Formula 101; and 1 100-tablet btl. of Formula 202, at Cincinnati, Ohio.

SHIPPED: Between 1-26-61 and 3-11-61, from Detroit, Mich., by Regal Drug Co.

LABEL IN PART: (Btl.) “Registered Vitamins REVCO \* \* \* Formula 101 (or 202) Vitamins & Minerals for Young Adults [or “the Middle Years”]. Registered Vitamin Corp. Detroit 11, Michigan—Distributors \* \* \* Control No. 10708 [or “10942”].”

ACCOMPANYING LABELING: (Price lists) “Cold, Changeable Weather Increases Your Need for Vitamins & Minerals \* \* \* Revco Vitamins Give You . . .” and display placards for the articles, “Revco 101” and “Revco 202.”

LIBELED: 3-20-61, S. Dist. Ohio.

CHARGE: 403(a)—when shipped, the labeling for Formula 101 contained false and misleading representations that the article consisted solely of vitamins and minerals; that the need in human nutrition for lysine and methionine has not been established; that the nutritional requirements for young adults are different from adults generally; that the foods of the ordinary diet as consumed do not furnish sufficient vitamins and minerals to fulfill the dietary requirements; that people generally suffer from “borderline” deficiencies; and that the article supplied all the known vitamins and minerals; and the labeling for Formula 202 contained false and misleading representations that the nutritional requirements for vitamins and minerals by people of middle age are different from adults generally; that the article was “Registered Vitamins,” and “Vitamins and Minerals”; that the need for l-lysine and methionine in human nutrition has not been established; and that the article contained every known vitamin and mineral in amounts great enough to correct the severest deficiency and a higher potency of B-complex factors than any product known.

The libel alleged also that the articles were misbranded under the provisions of the Act relating to drugs as reported in the notices of judgment on drugs and devices, No. 6678.

DISPOSITION: 5-17-61. Consent—claimed by Cincinnati Vitamin & Cosmetic Distributors, Inc., Cincinnati, Ohio, and destroyed.



28000. Vita-Cebus tablets. (F.D.C. No. 47457. S. No. 48-893 T.)

QUANTITY: 2 drums containing 12,000 and 4,000 tablets respectively, and 8 250-tablet btls. and 38 100-tablet btls. at Fresno, Calif.

SHIPPED: 3-28-61, from Philadelphia, Pa.

LABEL IN PART: (Drum) "Tablets Special Formula 42M SF# 4028 \* \* \* Each Tablet Contains \* \* \* Vitamin B<sub>1</sub> (Thiamine Monitrate) 2.5 mg. \* \* \* Vitamin B<sub>12</sub> 0.5 mg."; (btl.) "\* \* \* Vita-Cebus Tablets A Complete Multi-vitamin including entire B Complex and Minerals \* \* \* Two Tablets \* \* \* Contains: Vitamins \* \* \* B<sub>1</sub> 5 mg. \* \* \* B<sub>12</sub> 1 mcg."

RESULTS OF INVESTIGATION: Examination showed that the article contained about 50 percent of the declared amount of vitamin B<sub>12</sub> and about 78 percent of the declared amount of vitamin B<sub>1</sub>. The article in the bottles had been re-packed by the dealer from bulk drums shipped as described above.

LIBELED: 4-18-62, S. Dist. Calif.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamins B<sub>1</sub> and B<sub>12</sub>, had been in part omitted or abstracted from the article; and 403 (a)—the label statements (drum) "Each Tablet Contains \* \* \* Vitamin B<sub>1</sub> (Thiamine Monitrate) 2.5 mg. \* \* \* Vitamin B<sub>12</sub> 0.5 mg." and (btl.) "Two Tablets \* \* \* contains: Vitamins \* \* \* B<sub>1</sub> 5 mg. \* \* \* B<sub>12</sub> 1 mcg." were false and misleading.

DISPOSITION: 5-14-62. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27901 TO 28000

PRODUCTS

	N.J. No.		N.J. No.
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Bakery products	27901-27903	Donut base	27908
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green, canned	27970	and shellfish	27947-27959
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red, dried	27966	Flour	27904-27918
soy, dried	27968	Fruits and vegetables	27960-27978
Bread	27901, 27910	fruit, canned	27960-27963
and rolls	27902	tomatoes and tomato prod-	
french	27902	ucts	27972-27978
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peanut	27992, 27993	products	27964-27971
whipped	27946	Great Northern beans, dried	27965
Cereals and cereal products	27901-27943	Groceries, water-damaged	27964
Cherries, maraschino	27961, 27962	Haddock fillets, frozen	27948
Chicken(s). See Meat products and poultry.		Hexavitamin tablets	27994
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Coldene vitamin tonic with iron	27998	Kangaroo meat	27980
Corn, canned	27971	Leah's Delicious Diet with Ease	27995
		Lem-O-C Wafers	27997
		Macaroni and noodle prod-	
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	N.J. No.		N.J. No.
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	27982	Shrimp, frozen-----	27959
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noodle products.		Tomato(es), canned-----	27972-27976
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Pinto beans, dried-----	27969	products of special dietary	
Pork rinds, fried-----	27979	significance -----	27994-28000
Revco mineral tablets-----	27999	Wheat -----	27933-27940
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		Zwieback toast-----	27903

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Ace Pecan Co.:		Benner Tea Co.:	
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Ahlbrand, John:		Boats. <i>See</i> Jane B and Baby	
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Ease -----	27995	canned oyster stew-----	27957
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Babbitt Cut Rate Stores, Inc.:		Chase Candy Co.:	
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Bazar, Beno:			
butter -----	27945		



	N.J. No.		N.J. No.
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Cumberland Storage & Ware-		shelled peanuts-----	27984
house Co., Inc. :		Hunt Oil Co. See HLH Parade	
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Curtice Bros. Co. :		Imperial Rice Mills, Inc. :	
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Davis, Abraham :		Imperial Seafoods Co., Inc. :	
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	27988	lets, and Torulose powder--	27996
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Ferrantello, Johnnie :		wheat -----	27937
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Filler Products, Inc. :		Leah's Delicious Diet with	
fried pork rinds-----	27979	Ease -----	27995
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General Vitamin Corp. :		Lee, L. E., Jr. :	
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Hanford Produce Co., Div. of		bread -----	27901
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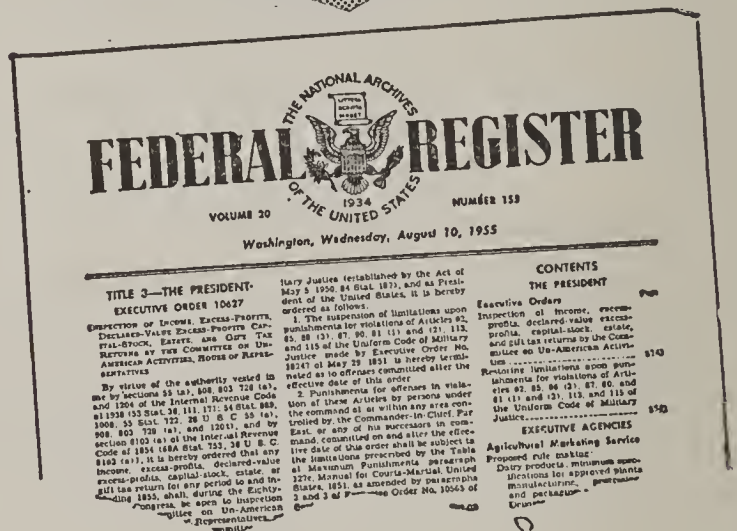
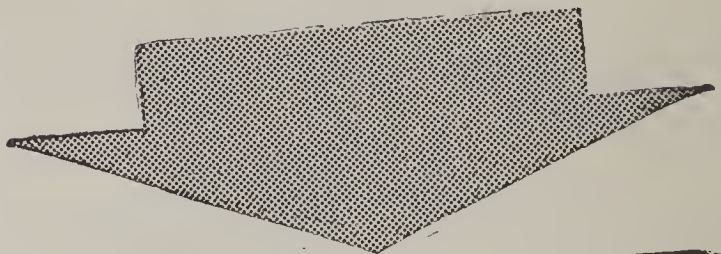
	N.J. No.		N.J. No.
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Pillsbury Co.:		butter -----	27945
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	N.J. No.		N.J. No.
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United Maritime Fishermen,		frozen shrimp-----	27959
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NOV 4 1962 U.S. Department of Health, Education, and Welfare

RENT SERIAL RECORDS  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

28001-28100

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent; and (2) criminal proceedings which were terminated upon pleas of nolo contendere or guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., October 16, 1962.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN  
VIOLATIONS REPORTED IN F.N.J. NOS. 28001-28100

*Adulteration*, Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## BEVERAGES AND BEVERAGE MATERIALS

28001. Coffee and chicory blend. (F.D.C. No. 46312. S. No. 82-655 R.)

QUANTITY: 84 cases, 24 cans each, and 48 cases, 12 cans each, at New Orleans, La., in possession of American Coffee Co., Inc.

SHIPPED: 6-26-61, from Uganda, Africa and Santos, Brazil.

LABEL IN PART: (Can) "New Orleans Famous French Market Coffee and Chicory 1 Lb. Net Weight \* \* \* American Coffee Co., Inc., New Orleans, La."

RESULTS OF INVESTIGATION: The coffee was roasted, ground, and packed by the dealer from a commingled lot of green coffee beans shipped as described above. Examination showed that the article was short weight.



**LIBELED:** 8-23-61, E. Dist. La.

**CHARGE:** 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 9-22-61. Consent—claimed by American Coffee Co., Inc., and repacked.

**28002. Coffee and chicory blend.** (F.D.C. No. 46847. S. No. 37-716 T.)

**QUANTITY:** 39 cases, 12 cans each, at New Orleans, La., in possession of Arnaud Coffee Corp.

**SHIPPED:** Prior to 11-20-61, from outside the United States.

**LABEL IN PART:** (Case) "12-1 Lb. Cans New Yogi Brand Coffee and Chicory All Purpose Grind Arnaud Coffee Corp. New Orleans, La." and (can) "All Purpose Grind. Net Weight One Pound New Yogi Brand Coffee and Chicory Vacuum Packed Arnaud Coffee Corp. New Orleans, La."

**RESULTS OF INVESTIGATION:** The coffee was blended and packed by the dealer from ground chicory and ground coffee purchased locally after having been imported into the United States as described above. Examination showed that the article was short weight.

**LIBELED:** 12-19-61, E. Dist. La.

**CHARGE:** 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 5-17-62. Default—delivered to charitable institutions.

**28003. Roasted coffee.** (F.D.C. No. 46356. S. No. 9-018 T.)

**QUANTITY:** 131 cases, 24 cans each, at Grove City, Pa., in possession of George J. Howe Co., Inc.

**SHIPPED:** 7-19-61 and 8-25-61, from New York, N.Y.

**LABEL IN PART:** (Can) "Drip Grind Daily Delight Coffee \* \* \* Roasted and Packed by George J. Howe Co., Inc., Grove City, Pa. Contents One Pound."

**RESULTS OF INVESTIGATION:** Examination showed the article to be short weight. The coffee had been roasted and packed by the dealer from green coffee shipped as described above.

**LIBELED:** 10-4-61, W. Dist. Pa.

**CHARGE:** 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 11-27-61. Consent—claimed by George J. Howe Co., Inc., and repacked.

**28004. Instant coffee.** (F.D.C. No. 47203. S. No. 51-930 T.)

**QUANTITY:** 199 cases, 12 jars each, at Portland, Oreg.

**SHIPPED:** 1-22-62, from Chicago, Ill., by Topco Associates, Inc.

**LABEL IN PART:** (Jar) "Instant Food Club Coffee Giant 10 Oz. Size Distributed by Topco Associates, Inc., Skokie, Illinois \* \* \* Net Contents 10 Oz."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-5-62, Dist. Oreg.

**CHARGE:** 403(a)—when shipped, the label statement "Giant 10 Oz. Size" was false and misleading; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-29-62. Consent—claimed by Tenco, Div. of Coca-Cola Co., San Francisco, Calif., and released under bond for relabeling or repacking.

**28005. Instant coffee.** (F.D.C. No. 46311. S. No. 71-295 R.)

QUANTITY: 136 cases, 12 jars each, at Marshfield, Wis.

SHIPPED: 4-3-61, from Jamaica, N.Y., by Richheimer Coffee Co.

LABEL IN PART: (Case) "100% Pure Instant Coffee \* \* \* 12—6 Oz. Jars" and (jar) "Pleezing Instant Coffee Net Wt. 6 Ozs. \* \* \* Distributed by Richheimer Coffee Co. Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-21-61, W. Dist. Wis.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-8-62. Consent—claimed by Sol Cafe Manufacturing Corp., New York, N.Y., and released under bond to be brought into compliance with the law.

**28006. Tea.** (F.D.C. No. 46315. S. No. 88-545 R.)

QUANTITY: 40 cases, 24 twin paks each, at Lincoln, Nebr.

SHIPPED: 6-29-61, from Kansas City, Kans., by E. C. Conroy Coffee Co.

LABEL IN PART: (Box) "¼ Lb. Net Conroy's Iced Tea Blend A Guaranteed Product of E. C. Conroy Coffee Co. Kansas City, Kansas" (case) "24¼ # Deal Packs buy one get one free Conroy's Iced Tea."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 9-13-61, Dist. Nebr.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-23-61. Default—delivered to a State institution.

**28007. Port wine and muscatel wine.** (F.D.C. No. 46538. S. Nos. 45-884/5 T.)

QUANTITY: 3,028 bulk gals. each, of port wine and muscatel wine, at St. Louis, Mo.

SHIPPED: 10-10-61, from Fresno, Calif., by Del-Rey Cooperative Winery Association.

LABEL IN PART: (Tag on tank car) "Shipped in Bond by Del-Rey Cooperative Winery Assn., Fresno, Calif., California Port Wine [or "Muscatel Wine"]."

LIBELED: 11-21-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained insect fragments and *Drosophila* fly eggs; and 402(a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-1-61. Consent—claimed by Del-Rey Cooperative Winery Association and reprocessed by distillation.

**28008. Dry white wine.** (F.D.C. No. 46628. S. No. 40-908 T.)

QUANTITY: 2,920 gals. at Bronx, N.Y.

SHIPPED: 10-17-61, from Fresno, Calif., by Del-Rey Cooperative Winery Association.

LIBELED: 11-15-61, S. Dist. N.Y.



CHARGE: 402(a)(3)—contained insects, insect parts, and insect eggs; and 402(a)(4)—produced under insanitary conditions.

DISPOSITION: 12-1-61. Default—destruction.

28009. Wine. (F.D.C. No. 46743. S. Nos. 30-738/41 T.)

QUANTITY: 1,073 gals. in holding tank and 315 gals. in pint btls. containing white port wine; 950 gals. in holding tank and 1,070 gals. in pint btls. containing Tokay wine; 1,705 gals. in holding tank and 315 gals. in pint btls. containing sherry; and 1,153 gals. in holding tank containing port wine, at Phoenix, Ariz.

SHIPPED: 8-8-61 and 10-11-61, from Lodi, Calif., by California Wine Sales, Inc.

LABEL IN PART: (Btl.) "Citation 100% Pure Grape Wine California White Port [or "Tokay" or "Sherry"] \* \* \* Bottled by United Distributing Co., Phoenix, Arizona."

RESULTS OF INVESTIGATION: The wine had been manufactured under insanitary conditions. It was then shipped in bulk and transferred by dealer into the holding tanks and repacked into the bottles described above.

LIBELED: 11-29-61, Dist. Ariz.

CHARGE: 402(a)(3)—contained *Drosophila* eggs, maggots, insects, and insect fragments; and 402(a)(4)—prepared, packed, and held under insanitary conditions.

DISPOSITION: 1-2-62. Consent—claimed by California Wine Sales, Inc., and distilled.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

28010. Flour. (F.D.C. No. 46893. S. No. 14-320 T.)

QUANTITY: 123 100-lb. bags, at Chicago, Ill., in possession of Habel, Armbruster & Larsen Co.

SHIPPED: 11-7-61, from Winona, Minn.

LIBELED: 1-2-62, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-18-62. Consent—claimed by Habel, Armbruster & Larsen Co. Segregated; 22 bags denatured.

28011. Flour. (F.D.C. No. 47286. S. Nos. 36-071/2 T.)

QUANTITY: 239 25-lb. bags at Leesville, La., in possession of Kelly, Weber & Co., Inc.

SHIPPED: 1-30-62, from Fort Worth, Tex.

LIBELED: 4-6-62, W. Dist. La.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-2-62. Consent—destruction.

28012. Flour. (F.D.C. No. 47180. S. Nos. 6-412/3 T.)

QUANTITY: 130 100-lb. bags at New Haven, Conn., in possession of Boston Model Bakery.

SHIPPED: 1-5-62, from Buffalo, N.Y.

**LIBELED:** 3-9-62, Dist. Conn.

**CHARGE:** 402(a)(3)—contained insects and insect excreta; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-10-62. Default—delivered to a public institution for use as animal feed.

**28013. Flour and cornmeal.** (F.D.C. No. 47016. S. Nos. 47-997 T, 48-000 T.)

**QUANTITY:** 178 50-lb. bags of flour and 269 25-lb. bags of cornmeal, at Conway, Ark., in possession of Hiegel Wholesale Grocery Co.

**SHIPPED:** 11-22-61 and 1-8-62, from Denver, Colo., and Memphis, Tenn.

**LIBELED:** 2-7-62, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained bird excreta while held for sale.

**DISPOSITION:** 4-10-62. Consent—claimed by Hiegel Grocery Co., and converted into animal feed.

**28014. Flour.** (F.D.C. No. 46544. S. No. 36-014 T.)

**QUANTITY:** 96 100-lb. bags at Gretna, La.

**SHIPPED:** 10-24-61, from Vicksburg, Miss.

**LIBELED:** 11-21-61, E. Dist. La.

**CHARGE:** 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

**DISPOSITION:** 4-16-62. Default—destruction.

**28015. Flour.** (F.D.C. No. 47220. S. No. 47-925 T.)

**QUANTITY:** 132 25-lb. bags at Little Rock, Ark., in possession of Associated Wholesale Grocery of Arkansas.

**SHIPPED:** 10-6-61, from St. Joseph, Mo.

**LIBELED:** 2-27-62, E. Dist. Ark.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-17-62. Consent—claimed by Associated Wholesale Grocery of Arkansas, and converted into animal feed.

**28016. Flour.** (F.D.C. No. 47291. S. No. 57-270 T.)

**QUANTITY:** 47 100-lb. bags at Norman, Okla., in possession of Tyler & Simpson Co., Inc.

**SHIPPED:** 1-26-61, from Arkansas City, Kans.

**LIBELED:** 4-11-62, W. Dist. Okla.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 4-19-62. Default—denatured for use as animal feed.

**28017. Flour and pastry flour.** (F.D.C. No. 46852. S. Nos. 49-369/70 T, 49-374 T.)

**QUANTITY:** 75 100-lb. bags containing baker's flour, 14 100-lb. bags containing cake flour, and 53 100-lb. bags containing pastry flour, at San Francisco, Calif., in possession of Eng-Skell Co.

**SHIPPED:** Between 12-29-60 and 10-19-61, from Portland, Oreg.

**LIBELED:** 12-21-61, N. Dist. Calif.



CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-5-62. Consent—claimed by Eng-Skell Co. Segregated; 85 100-lb. bags denatured for animal feed.

**28018. Flour.** (F.D.C. No. 46767. S. No. 6-700 T.)

QUANTITY: 100 100-lb. bags at Leominster, Mass.

SHIPPED: 8-12-61, from Winona, Minn.

LIBELED: 12-4-61, Dist. Mass.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 2-5-62. Default—delivered to a public institution for use as animal feed.

**28019. Flour.** (F.D.C. No. 46377. S. Nos. 59-053 P, 64-810 P, 64-812 P, 50-275 R.)

INFORMATION FILED: 11-22-61, Dist. Idaho, against Fred W. Miller, t/a Miller's Bakery, Pocatello, Idaho.

ALLEGED VIOLATION: Between 5-13-59 and 3-6-61, the defendant caused quantities of flour, while being held for sale after shipment in interstate commerce, to be placed in and processed through insect-infested equipment in the bakery and to be exposed to contamination by insects, which act resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—processed in insect-infested flour handling equipment.

PLEA: Guilty.

DISPOSITION: 3-20-62. \$450 fine.

**28020. Flour.** (F.D.C. No. 47210. S. Nos. 8-283/86 T. 8-288/89 T.)

QUANTITY: 195 100-lb. bags, at Norwalk, Conn., in possession of New York Bakery of Norwalk, Inc.

SHIPPED: 12-9-61 and 1-9-62, from Buffalo, N.Y.

LIBELED: 3-15-62, Dist. Conn.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-16-62. Consent—claimed by New York Bakery of Norwalk, Inc. Segregated; 44 bags destroyed.

**28021. Flour.** (F.D.C. No. 46541. S. No. 47-972 T.)

QUANTITY: 104 50-lb. bags at Bethany, Mo., in possession of Townsend Wholesale Grocery Co.

SHIPPED: Between 9-15-61 and 10-20-61, from Humboldt, Nebr.

LIBELED: On or about 12-6-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-24-62. Default—delivered to a public institution for use as animal feed.

**28022. Flour.** (F.D.C. No. 47029. S. No. 635 T.)

QUANTITY: 177 25-lb. bags, at Cairo, Ga., in possession of H. V. Kell Co.

SHIPPED: 11-14-61, from Hays, Kans.

LIBELED: 2-9-62, M. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-25-62. Default—destruction.

**28023. Flour and dried black-eyed peas.** (F.D.C. No. 46375. S. Nos. 57-982/4 R, 57-991 R.)

INFORMATION FILED: 12-28-61, N. Dist. Ga., against Colonial Stores, Inc., East Point, Ga., and Augustus C. Parnell, general manager of the corporation's Atlanta Division.

ALLEGED VIOLATION: Between 12-28-60 and 4-3-61, while quantities of flour and black-eyed peas were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-10-62. Corporation—\$600 fine; individual—\$20 fine.

**28024. Flour.** (F.D.C. No. 47261. S. No. 39-580 T.)

QUANTITY: 1,129 50-lb. bags at Ponce, P.R.

SHIPPED: 5-10-61, from Kansas City, Mo.

RESULTS OF INVESTIGATION: The article had been repacked by the dealer after shipment as described above.

LIBELED: 3-23-62, Dist. P.R.

CHARGE: 402(a)(3)—while held for sale, contained insects and insect parts.

DISPOSITION: 5-15-62. Consent—claimed by Monllor & Boscio, Sucrs., Inc., and released under bond to be converted and used for industrial purposes.

**28025. Flour.** (F.D.C. No. 47280. S. No. 45-767 T.)

QUANTITY: 156 bales, 10 bags each, at Springfield, Mo.

SHIPPED: 3-2-62, from Denver, Colo., by Denver Flour Mills Co.

LABEL IN PART: (Bag) "Enriched—5 lbs. net wt. Bleached Phosphated Myers Model Flour Packed for The Springfield Flour Mills, St. Louis, Mo."

RESULTS OF INVESTIGATION: Investigation disclosed "The Springfield Flour Mills, Springfield, Mo." was the name of a defunct flour mill; and that the enrichment information was printed in extremely small and blurred type, making it difficult to read.

LIBELED: 4-4-61, W. Dist. Mo.

CHARGE: 403(a)—when shipped, the label statement "Packed for the Springfield Flour Mills, St. Louis, Mo." was false and misleading, since it was inaccurate; and 403(f)—the information required by 403(j), to appear on the label, namely, the enrichment information, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-24-62. Default—delivered to a charitable institution.



**28026. Flour.** (F.D.C. No. 47437. S. No. 1-376/7 T.)

**QUANTITY:** 321 bales, 10 2-lb. bags each, and 1,144 bales, 10 5-lb. bags each, at Griffin, Ga.

**SHIPPED:** 2-19-62 and 3-16-62, from Denver, Colo., by Denver Flour Mills Co.

**LABEL IN PART:** (Bag) "Packed For Caldwell Flour Mills \* \* \* Self-Rising Hollyhock Flour Enriched-Bleached \* \* \* Caldwell, Idaho Repacked by Happyvale Flour Mill Griffin, Ga."

**RESULTS OF INVESTIGATION:** Investigation disclosed that Happyvale Flour Mill, Griffin, Ga., was not the repacker of the flour; and that the enrichment information on 2-lb. bags was printed in extremely small and blurred type.

**LIBELED:** 4-9-62, N. Dist. Ga.; amended libel 4-18-62.

**CHARGE:** 403(a)—when shipped, the label statement "Repacked By Happyvale Flour Mill, Griffin, Ga." was false and misleading, since it was inaccurate; and (2-lb. bag lot) 403(f)—the information required by 403(j) to appear on the label, namely, the enrichment information, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 5-31-62. Consent—claimed by Griffin Grocery Co., Griffin, Ga., and released under bond for rebagging and relabeling.

**28027. Potato flour.** (F.D.C. No. 47577. S. Nos. 30-631 T, 30-633/34 T, 30-636 T.)

**QUANTITY:** 38 100-lb. bags, 60 25-lb. bags, 88 100-lb. bags, and 73 100-lb. bags at Los Angeles, Calif.

**SHIPPED:** 7-6-59 and 8-3-61, from East Grand Forks, Minn.

**LIBELED:** 5-8-62, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insect larvae, insects, or insect fragments while held for sale.

**DISPOSITION:** 5-31-62. Default—destruction.

**MISCELLANEOUS CEREALS AND CEREAL PRODUCTS****28028. Donut base, donut mix, and sweet dough base.** (F.D.C. No. 47574. S. Nos. 8-329 T, 8-331/34 T.)

**QUANTITY:** 10 100-lb. bags containing yeast raised donut base; 5 100-lb. bags containing yeast raised donut mix; 59 100-lb. bags containing handcut cake donut mix; 17 100-lb. bags containing sweet dough base; and 47 100-lb. bags containing cake donut mix, at Boston, Mass., in possession of B. Rothstein & Co., Inc.

**SHIPPED:** 9-23-61, from Lockport, N.Y., and 2-15-62, from Buffalo, N.Y.

**LIBELED:** 5-4-62, Dist. Mass.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent hairs; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-22-62. Consent—claimed by B. Rothstein & Co., Inc. Segregated; 11 100-lb. bags destroyed.

**28029. Rice.** (F.D.C. No. 47419. S. No. 2-096 T.)

**QUANTITY:** 21 100-lb. bags at Savannah, Ga., in possession of Belford Co.

**SHIPPED:** 10-23-61, from Abbeville, La.

**LIBELED:** 4-2-62, S. Dist. Ga.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-23-62. Default—destruction.

**28030. Rice.** (F.D.C. No. 46897. S. Nos. 6-269/72 T.)

**QUANTITY:** 28 100-lb. bags and 88 25-lb. bags at East Hartford, Conn.

**SHIPPED:** Between 11-1-61 and 1-23-61, from Houston, Tex.

**LIBELED:** 1-13-62, Dist. Conn.

**CHARGE:** 402(a)(3)—contained insect larvae and insect parts while held for sale.

**DISPOSITION:** 5-23-62. Default—delivered to a public institution for use as animal feed.

**28031. Rice, non-fat dry milk, and bakery mixes.** (F.D.C. No. 47168. S. Nos. 25-979/80 T, 25-984/6 T, 25-988/91 T.)

**QUANTITY:** 9 100-lb. bags containing Sweet Dohmix, 65 100-lb. bags containing Gold-N-Doh, 174 25-lb. bags containing rice, 16 100-lb. bags containing rice, 14 100-lb. bags containing cake donut mix, 15 100-lb. bags containing non-fat dry milk, and 14 100-lb. bags containing rice, at Cleveland, Ohio, in possession of 40th Street Warehouse.

**SHIPPED:** (Bakery mixes) between 9-19-61 and 12-2-61, from Minneapolis, Minn.; (milk) 8-26-61, from East Jordan, Mich., (rice) 7-16-61 and 10-4-61 from Abbeville, La., and Stuttgart, Ark.

**LIBELED:** 3-2-62, N. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained rodent urine, rodent excreta pellets, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** (174 25-lb. bag lot and 16 100-lb. bag lot—rice) 4-2-62. Consent—claimed by Producers Rice Mill, Inc., Stuttgart, Ark., and released under bond for reprocessing; (remaining lots) 4-10-62. Default—destruction.

**28032. Rice.** (F.D.C. No. 46947. S. No. 6-664 T.)

**QUANTITY:** 109 100-lb. bags, at South Boston, Mass., in possession of Far East Trading Co.

**SHIPPED:** 9-26-61, from Stuttgart, Ark.

**LIBELED:** 1-29-62, Dist. Mass.

**CHARGE:** 402(a)(3)—contained rodent hairs and rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-26-62. Default—delivered to a public institution for use as animal feed.

**28033. Rice and cornmeal.** (F.D.C. No. 45238. S. Nos. 2-581 P, 2-213/4 R, 2-255/6 R, 2-260 R.)

**INFORMATION FILED:** 4-18-61, W. Dist. N. C., against Thomas & Howard Co., a corporation, Charlotte, N.C., and James F. Timberlake, Jr., vice-president and general manager.

**ALLEGED VIOLATION:** Between 12-24-57 and 9-26-60, while held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building accessible to rodents, birds, and insects and to be exposed to contamination by rodents, birds, and insects, which acts resulted in the articles being adulterated.



CHARGE: 402(a)(3)—contained bird excreta, rodent urine, rodent hair, insects, insect cast skins and insect larvae; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-19-62. \$750 fine against the defendants jointly.

28034. Rice and cornmeal. (F.D.C. No. 45250. S. Nos. 1-618/20 P, 87-528/30 P, 2-984/6 R.)

INFORMATION FILED: 5-8-61, E. Dist. S.C., against Coastal Fruit Co., Inc., Walterboro, S.C., and against Sol Cohen, as president and treasurer of the corporation and as an individual, t/a Coastal Fruit Co., Inc., Walterboro, S.C.

ALLEGED VIOLATIONS: (Counts 1 and 2) Between 1-2-58 and 5-20-58, Sol Cohen, an individual, t/a Coastal Fruit Co., Inc., caused certain quantities of rice, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

(Counts 3 to 6 inclusive) Between 9-23-59 and 8-16-60, Coastal Fruit Co., Inc., and Sol Cohen, as president and treasurer of the corporation, caused certain quantities of rice and cornmeal, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine and excreta, and insects, insect larvae, insect cast skins, and insect excreta; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-6-62. Corporation—\$1,500 fine, suspended; 5 years probation. Individual—\$1,500 fine, suspended; 5 years probation.

28035. Rice. (F.D.C. No. 47021. S. Nos. 20-447/8 T.)

QUANTITY: 35 100-lb. bags and 22 100-lb. bags at Oklahoma City, Okla., in possession of Collins-Dietz-Morris Co.

SHIPPED: 1-2-62 and 1-15-62, from Carlisle, Ark.

LIBELED: 2-8-62, W. Dist. Okla.

CHARGE: 402(a)(3)—(22-bag lot) contained rodent urine; and 402(a)(4)—(both lots) held under insanitary conditions.

DISPOSITION: 3-1-62. Consent—claimed by Collins-Dietz-Morris Co. Segregated; 4 100-lb. bags destroyed.

28036. Rice. (F.D.C. No. 46631. S. Nos. 4-674/7 T.)

QUANTITY: 10 bales, 30 2-lb. bags each, 18 cartons, 40 12-oz. boxes each, 5 bales, 20 3-lb. bags each, and 44 cartons, 20 3-lb. boxes each, at Norfolk, Va.

SHIPPED: On various dates between 1-3-61 and 9-14-61, from Memphis, Tenn.

LIBELED: 11-16-61, E. Dist. Va.

CHARGE: 402(a)(3)—all lots contained adult insects and 3 lots contained insect larvae while held for sale.

DISPOSITION: 1-19-62. Default—delivered to a public institution to be used as animal feed.

28037. Rice. (F.D.C. No. 46775. S. No. 1-331 T.)

QUANTITY: 109 100-lb. bags at Augusta, Ga., in possession of J. P. Keenan Co.

SHIPPED: 10-17-61, from Abbeville, La.

LIBELED: 12-13-61, S. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-5-62. Consent—claimed by Fritz M. McCarthy, t/a J. P. Keenan Co. Segregated; 73 100-lb. bags converted to animal feed.

28038. Rice. (F.D.C. No. 46327. S. No. 88-552 R.)

QUANTITY: 24 100-lb. bags, at North Kansas City, Mo.

SHIPPED: 12-22-60, from Stuttgart, Ark.

LIBELED: On or about 9-8-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insects, insect parts, and insect larvae while held for sale.

DISPOSITION: 1-3-62. Default—delivered to a charitable institution for use as animal feed.

28039. Rice. (F.D.C. No. 47389. S. Nos. 52-497/9 T.)

QUANTITY: 298 100-lb. bags at Seattle, Wash., in possession of Can-Go Shippers Warehouse Co., Inc.

SHIPPED: Between July 1961 and 2-13-62, from San Francisco, Calif., and Houston, Tex.

LIBELED: 3-20-62, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-16-62. Default—destruction.

28040. Wheat. (F.D.C. No. 47242. S. No. 62-866 T.)

QUANTITY: 90,000 lbs., at Minneapolis, Minn.

SHIPPED: 2-22-62, from Rosholt, S. Dak., by Farmer's Cooperative Elevator Co.

LIBELED: 3-15-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-20-62. Consent—claimed by Farmer's Cooperative Elevator Co. Segregated; 8,500 lbs. destroyed.

28041. Wheat. (F.D.C. No. 47246. S. No. 61-356 T.)

QUANTITY: 120,000 lbs. at St. Louis, Mo.

SHIPPED: 3-9-62, from National Stock Yards, Ill., by Toberman Grain Co.

LIBELED: 3-15-62, E. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-28-62. Consent—claimed by Toberman Grain Co., and denatured.

28042. Wheat. (F.D.C. No. 47027. S. Nos. 51-035/36 T.)

QUANTITY: 240,000 lbs., at Spokane, Wash.

SHIPPED: 1-26-62, from Bremen, N. Dak., by Bremen Elevator Co.

LIBELED: 2-9-62, E. Dist. Wash.



CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-12-62. Consent—claimed by Bremen Elevator Co., and denatured.

28043. Wheat. (F.D.C. No. 47461. S. No. 61-547 T.)

QUANTITY: 122,000 lbs. at Alton, Ill.

SHIPPED: 3-25-62, from Minneapolis, Minn., by Russell-Miller Milling Co.

LIBELED: 4-23-62, S. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-7-62; amended decree 5-10-62. Consent—claimed by Bird Island Grain & Feed Co., Bird Island, Minn., and denatured for use as animal feed.

28044. Wheat. (F.D.C. No. 47033. S. No. 28-192 T.)

QUANTITY: 124,000 lbs. at Kansas City, Kans.

SHIPPED: 2-1-62, from Nelson, Nebr., by Farmer's Union Cooperative Elevator Co.

LIBELED: 3-1-62, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-14-62. Consent—claimed by Farmer's Union Cooperative Elevator Co., and reconditioned by cleaning.

28045. Wheat. (F.D.C. No. 46546. S. No. 51-641 T.)

QUANTITY: 120,600 lbs., at Spokane, Wash.

SHIPPED: 2-9-62, from Havre, Mont., by Centennial Mills, Inc.

LIBELED: 2-20-62, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-6-62. Consent—claimed by Boyd-Conlee Co., Spokane, Wash., and denatured.

28046. Wheat. (F.D.C. No. 47009. S. No. 33-340 T.)

QUANTITY: 80,000 lbs., at Minneapolis, Minn.

SHIPPED: 1-11-62, from Douglas, N. Dak., by Douglas Farmers Elevator Co.

LIBELED: 2-1-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-28-62. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 13,070 lbs. converted for use as animal feed.

28047. Wheat. (F.D.C. No. 46875. S. No. 35-839 T.)

QUANTITY: 42,280 lbs., at St. Paul, Minn.

SHIPPED: 12-16-61, from Mandan, N. Dak., by Farmers Union Grain Association.

LIBELED: 1-4-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-19-62. Consent—claimed by Farmers Union Grain Terminal Association. Segregated; 8,020 lbs. to be denatured for use as animal feed.

28048. Wheat. (F.D.C. No. 47026. S. No. 52-966 T.)

QUANTITY: 90,000 lbs., at Tacoma, Wash.

SHIPPED: 1-22-62, from Joplin, Mont., by Greely Elevator Co.

LIBELED: 2-8-62, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-9-62. Consent—claimed by Greely Elevator Co., and denatured.

28049. Wheat. (F.D.C. No. 46991. S. No. 33-628 T.)

QUANTITY: 117,000 lbs., at Minneapolis, Minn.

SHIPPED: 1-2-62, from Williston, N. Dak., by Williston Farmers Union Elevator.

LIBELED: 1-26-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-7-62. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn., and converted for use as animal feed.

28050. Wheat. (F.D.C. No. 46848. S. No. 35-619 T.)

QUANTITY: 100,000 lbs. at Minneapolis, Minn.

SHIPPED: 11-21-61, from McLaughlin, S. Dak., by Farmers Cooperative Association.

LIBELED: 12-14-61, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 1-9-62. Consent—claimed by Farmers Union Grain Terminal Association. Segregated; 33,640 lbs. to be used as animal feed after de-characterization.

28051. Wheat. (F.D.C. No. 46502. S. No. 27-430 T.)

QUANTITY: 96,000 lbs. at Kansas City, Kans.

SHIPPED: 9-21-61, from Bethany, Mo., by MFA Central Cooperative Association.

LIBELED: 10-18-61, Dist. Kans.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which was unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 1-10-62. Consent—claimed by Meservey O'Sullivan Grain Co., Kansas City, Mo., and reconditioned by cleaning and scouring.

28052. Wheat. (F.D.C. No. 47035. S. No. 54-465 T.)

QUANTITY: 120,000 lbs. at Ottawa Lake, Mich.

SHIPPED: 1-31-62, from Howell, Mich., by Howell Cooperative Co., to Toledo, Ohio, and from there to Ottawa Lake, Mich.

LIBELED: 2-13-62, E. Dist. Mich.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-5-62. Consent—claimed by Michigan Elevator Exchange, Lansing, Mich., and reconditioned by scouring.

28053. Wheat. (F.D.C. No. 46520. S. No. 35-013 T.)

QUANTITY: 112,640 lbs. at Minneapolis, Minn.



SHIPPED: 10-10-61, from Reynolds, N. Dak., by Reynolds Cooperative Association.

RESULTS OF INVESTIGATION: Examination showed that the article contained an added mercurial compound.

LIBELED: 11-6-61, Dist. Minn.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, mercury, which was unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 12-12-61. Consent—claimed by Reynolds Cooperative Association. Segregation proved to be unsuccessful and the article was destroyed.

28054. Wheat. (F.D.C. No. 47002. S. No. 28-752 T.)

QUANTITY: 120,000 lbs. at Kansas City, Mo.

SHIPPED: 1-12-62, from Ellsworth, Kans., by Ellsworth County Farmers Cooperative Union.

LIBELED: 1-30-62, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-2-62. Consent—claimed by Farmers Union Jobbing Association. Segregated; 3,950 lbs. destroyed.

28055. Wheat. (F.D.C. No. 47300. S. No. 66-423 T.)

QUANTITY: 120,600 lbs. at Denver, Colo.

SHIPPED: 4-3-62, from Chugwater, Wyo., by Tri-County Grain Co.

LIBELED: 4-13-62, Dist. Colo.

CHARGE: 402(a)(3)—contained insect-damaged kernels when shipped.

DISPOSITION: 4-30-62. Consent—claimed by Tri-County Grain Co., and released under bond to be converted into dog food.

28056. Hominy grits and rice. (F.D.C. No. 44340. S. Nos. 2-693 P, 72-218 P.)

INFORMATION FILED: 6-22-60, S. Dist. Fla., against Setzer's Warehouse, Inc., Jacksonville, Fla.

ALLEGED VIOLATIONS: Between 1-6-58 and 10-20-59, while quantities of hominy grits and rice were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building accessible to rodents, birds, and insects, and to be exposed to contamination by rodents, birds, and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-13-62. \$1,000 fine.

28057. Donut mix, batter mix, breadier, and pre-duster flour compound. (F.D.C. No. 45994. S. Nos. 99-181 R, 99-188/96 R.)

INFORMATION FILED: 8-22-61, Dist. Mass., against Hoosac Storage & Warehouse Co., a corporation, Charlestown, Mass., and William A. Harnedy, treasurer and general manager.

ALLEGED VIOLATIONS: Between 7-26-60 and 10-28-60, while quantities of the articles were being held for sale after shipment in interstate commerce, the

defendants caused the articles to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent hairs and excreta; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-18-61. Corporation fined \$1,500; individual fined \$500.

28058. Popcorn bunnies. (F.D.C. No. 47418. S. No. 8-106 T.)

QUANTITY: 11 cases of 48, and 2 cases of 24, individually wrapped popcorn bunnies, at Cambridge, Mass.

SHIPPED: 2-15-62, from Minneapolis, Minn., by Pophitt Cereals, Inc.

LABEL IN PART: (Case) "48 Regular 1½ Oz. Popcorn Bunnies No. 1-E [or "24 Jumbo 4½ Oz. Popcorn Bunnies No. 2-E"] Pophitt Cereals, Inc., Minneapolis, Minn. F. W. Woolworth Co." and (bunnies) "Bumpy and Jumpy Pophitt's Pop Corn Bunnies Ingredients: \* \* \* Net Wt. 1½ Oz. [or "4½ Oz."] Pophitt Cereals, Inc., Minneapolis, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the article was popped corn shaped in the form of rabbits, individually wrapped in cellophane of various colors, on which the manufacturer's name and address and statement of ingredients were printed in small type on a side panel at right angles to the principal display panel, in ink of a color which did not contrast with the background, and in the case of the 1½-oz. package, this information was partially concealed by the fold at the bottom of the bag.

LIBELED: 3-26-62, Dist. Mass.

CHARGE: 403(f)—when shipped, the information required by 403 (e)(1), (e)(2), and (i)(2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of contents, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 4-30-62. Default—delivered to a public or charitable institution.

28059. English muffins, rolls, donut centers, and candy. (F.D.C. No. 46026. S. Nos. 24-002 R, 24-004 R, 24-012 R, 24-025/6 R, 24-028 R.)

INFORMATION FILED: 9-11-61, W. Dist. Mo., against Fred Wolferman, Inc., Kansas City, Mo.

SHIPPED: Between 2-7-61 and 2-16-61, from Missouri to Kansas.

LABEL IN PART: (Pkg.) "Butter Flake Rolls Net Wt. 8 Oz. Distributed by Fred Wolferman, Inc."; "Wolferman's Good Things to Eat Kansas City, Missouri"; "Wolferman's Good Things to Eat Fine Candies Kansas City, Mo."; "Assorted Chocolates by Wolferman's Net Weight One Pound Kansas City, Mo."; and "Fresh Candies Wolferman's Kansas City, Mo. Old Fashioned Chocolates 8 ounces net weight."

CHARGE: 402(a)(3)—contained insect fragments and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-27-61. \$505 fine.



**28060. Brewer's rice.** (F.D.C. No. 45809. S. No. 40-420 R.)

QUANTITY: 109,900 lbs., at St. Louis, Mo.

SHIPPED: 4-29-61, from Estherwood, La., by Broussard Rice Mill.

LIBELED: 5-22-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent excreta pellets, rodent hairs, insects, and insect fragments; and 402(a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-1-61. Consent—claimed by Broussard Rice Mill, and converted into animal feed.

**28061. Bruwheat.** (F.D.C. No. 45255. S. No. 8-737 R.)

INFORMATION FILED: 3-5-62, N. Dist. N.Y., against Hedrick Brewing Co., Inc., Albany, N.Y., and Joseph J. Munniger, brewmaster.

ALLEGED VIOLATION: Between 5-25-60 and 9-22-60, while held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building accessible to insects and rodents, and to be exposed to contamination by insects and rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-5-62. Each defendant fined \$125.

## CHOCOLATE, SUGAR, AND RELATED PRODUCTS

### CHOCOLATE PRODUCT

**28062. Chocolate coating.** (F.D.C. No. 45394. S. Nos. 55-084 R, 55-086 R.)

QUANTITY: 40 50-lb. bags, each containing 5 slabs, at St. Louis, Mo., in possession of Purity Candy Co.

SHIPPED: 1-6-60, from Chicago, Ill.

LIBELED: 1-18-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained insects, insect parts, insect webbing, rodent hairs, and rodent excreta; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: On 2-17-61, Purity Candy Co. filed an answer claiming the article and denying that it was adulterated. Written interrogatories were both filed and answered by the claimant and by the government.

On 11-28-61, a consent decree of condemnation was entered under the terms of which the unfit portion of the article was segregated; approximately 400 lbs. were destroyed.

### CONFECTIONERY

**28063. Sweet chocolate candy.** (F.D.C. No. 47186. S. No. 41-371 T.)

QUANTITY: 56 cases, 6 ctns. each, containing 20 candy bars each, at Brooklyn, N.Y.

SHIPPED: 1-4-62 and 1-12-62, from Hato Rey, P.R., by Sucrs. Pedro Cortes, Inc.

LABEL IN PART: (Case) "Goya Food N.Y. Chocolate Cortes Manufactured by Sucrs. Pedro Cortes, Inc. Hato Rey, Puerto Rico Distributed by Unanue and Sons, Inc., \* \* \* Brooklyn, N.Y. Product of Puerto Rico Net Weight 60 Lbs."; (ctn.) "Chocolate Cortes \* \* \* Contenido 20 barras" and (candy

bar) "Net Weight Half Pound Sweet Chocolate Cortes Manufactured for: Sucrs. Pedro Cortes, Inc. San Juan, Puerto Rico."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-9-62, E. Dist. N.Y.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-22-62. Consent—claimed by Goya Foods, Inc., and released under bond for relabeling.

**28064. Fruit Nibble Stix (candy).** (F.D.C. No. 46099. S. No. 80-661 R.)

QUANTITY: 25 cases, each containing 12 boxes containing an inner plastic container of individually wrapped pieces of candy of various flavors, at Boston, Mass.

SHIPPED: 4-4-61 and 5-27-61, from Chicago, Ill., by Flavour Candy Co.

LABEL IN PART: (Lid of plastic container) "Flavour Fruit Nibble Stix Creme Filled Ingredients: \* \* \* Net Wt. 1 Lb. Flavour Candy Co., Chicago 12, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-24-61, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-2-61. Default—delivered to a charitable institution.

**28065. Roxbury brand candies.** (F.D.C. No. 47559. S. Nos. 53-395/97 T.)

QUANTITY: 61 cases, 24 bags each, of peanut clusters; and 29 cases, 24 bags each, of toffee, at Bellevue, Wash.

SHIPPED: 1-12-62 and 3-16-62, from San Jose, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Bag) "Roxbury Peanut Clusters Net Wt. 14 Oz. [or "Roxbury Imported Toffee" Net Wt. 9 Oz.] Ingredients: \* \* \* Distributed By Safeway Stores, Incorporated Head Office—Oakland, California."

RESULTS OF INVESTIGATION: Examination showed that the peanut clusters were chocolate-covered peanuts, that the toffee consisted of individually wrapped pieces of candy in highly colored, metallic-type paper of various colors, each piece labeled as to name of product, and that both articles were contained in clear plastic bags on which the information required to appear on the label was inconspicuous against the wrapped or unwrapped candy in the background.

LIBELED: On or about 4-26-62, W. Dist. Wash.; amended libel 5-3-62.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (e) (2), (i) (2), and (k) to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavors and (toffee) colors, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-29-62. Consent—claimed by Safeway Stores, Inc., and released under bond for relabeling.



**SUGAR**

**28066. Sugar.** (F.D.C. No. 47466. S. No. 45-494 T.)

**QUANTITY:** 120 100-lb. bags at Pinckneyville, Ill., in possession of Penick & Ford, Ltd., Inc.

**SHIPPED:** 10-17-58, from Kansas City, Mo.

**LIBELED:** 4-24-62, E. Dist. Ill.

**CHARGE:** 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-22-62. Default—destruction.

**28067. Cane sugar.** (F.D.C. No. 47550. S. No. 4-684 T.)

**QUANTITY:** 50,000 lbs. in 100-lb. bags at Norfolk, Va.

**SHIPPED:** Between 1-9-62 and 2-20-62, from Philadelphia, Pa.

**RESULTS OF INVESTIGATION:** Inspection showed that the article was contaminated with dirty, oily, salty, river water while held in the warehouse which was inundated with flood waters from the Elizabeth River, on 3-7-62.

**LIBELED:** 4-19-62, E. Dist. Va.

**CHARGE:** 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 5-2-62. Consent—claimed by National Sugar Refining Co., Philadelphia, Pa., and re-refined.

**28068. Corn sugar.** (F.D.C. No. 46773. S. No. 26-747 T.)

**QUANTITY:** 144 100-lb. bags at Bailey, Mich., in possession of Vintage Foods, Inc. (formerly Central City Pickle Co.).

**SHIPPED:** Between 8-17-60 and 4-17-61, from Clinton, Iowa.

**LIBELED:** 12-7-61, W. Dist. Mich.

**CHARGE:** 402(a)(3)—contained rodent excreta and hairs, insects, and maggots; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-2-62. Consent—destruction.

**28069. Sugar sweeps.** (F.D.C. No. 46182. S. No. 83-189 R.)

**QUANTITY:** 60 100-lb. bags at Brooklyn, N.Y., in possession of A. H. Bull Steamship Co.

**SHIPPED:** Prior to 6-13-61, from Puerto Rico.

**LIBELED:** 7-31-61, E. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained wood splinters, dirty paper, rusty pieces of metal, dirty lumps of sugar, and other miscellaneous dirt; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 10-19-61. Consent—destruction.

**EGGS**

**28070. Frozen eggs.** (F.D.C. No. 46317. S. Nos. 10-934/5 R.)

**QUANTITY:** 139 30-lb. cans and 554 30-lb. cans at Pittsburgh, Pa.

**SHIPPED:** (139 cans) 5-26-61, from Zanesville, Ohio, by Ballas Egg Products Co., Inc.; and (554 cans) 6-8-61 and 6-28-61, from Osgood, Ind., by Vines Poultry Co.

**LABEL IN PART:** "Whole Eggs \* \* \* Distributed by Ballas Egg Products, Zanesville, Ohio" and "Vines Poultry Co. West Eckert St. Osgood, Ind. Whole Eggs."

**LIBELED:** 8-23-61, W. Dist. Pa.

**CHARGE:** 402(a) (3)—contained decomposed eggs when shipped.

**DISPOSITION:** 9-20-61. Consent—claimed by Vimco Macaroni Products Co., Carnegie, Pa. Segregated; 332 cans denatured.

**28071. Frozen eggs.** (F.D.C. No. 46458. S. No. 34-295 R.)

**QUANTITY:** 992 cans at Jersey City, N.J.

**SHIPPED:** 6-28-61, from Pelahatchie, Miss., by Garth Poultry & Egg Service.

**LABEL IN PART:** (Can) "Garth's Frozen Whole Egg. 30# Net Wt. Packed by Garth Poultry & Egg Service, Inc. Pelahatchie, Miss."

**LIBELED:** 9-19-61, Dist. N.J.

**CHARGE:** 402(a) (3)—when shipped, contained decomposed eggs.

**DISPOSITION:** 11-20-61. Consent—claimed by Garth Poultry & Egg Service. Segregated; 985 cans destroyed.

**28072. Frozen eggs.** (F.D.C. No. 45974. S. Nos. 20-438/9 R, 21-687 R, 21-700/1 R.)

**INFORMATION FILED:** 10-26-61, W. Dist. Tenn., against Frigid Food Products, Inc., McKenzie, Tenn.; information amended 1-8-62, to change the name of the defendant to Frigid Foods of Tennessee, Inc.

**SHIPPED:** Between 6-7-60 and 6-14-60, from Tennessee to Michigan.

**LABEL IN PART:** (Can) "FRIGID FOOD PRODUCTS, Inc. FRIGIDEGS WHOLE EGGS 30 Lbs. Net."

**CHARGE:** 402(a) (3)—contained decomposed eggs when shipped.

**PLEA:** Nolo contendere.

**DISPOSITION:** 1-8-62. \$5,000 fine.

**28073. Frozen eggs.** (F.D.C. No. 46804. S. No. 39-818 T.)

**QUANTITY:** 14 30-lb. cans at Brooklyn, N.Y.

**SHIPPED:** 11-3-61, from Newfield, N.J., by Finkelstein Farms.

**LABEL IN PART:** (Can lid) "Frozen Egg Products Whole Eggs Mix Produced by Finkelstein Farms, Newfield, N.J."

**LIBELED:** 1-10-62, E. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained decomposed eggs when shipped.

**DISPOSITION:** 2-19-62. Default—destruction.

## FRUITS AND VEGETABLES

### DRIED FRUIT

**28074. Dried apples.** (F.D.C. No. 46564. S. No. 6-971 T.)

**QUANTITY:** 200 60-lb. ctns. at Somerville, Mass.

**SHIPPED:** 8-14-61, from Santa Rosa, Calif., by Dean Dale Sales Agency.

**LABEL IN PART:** (Ctn.) "60 Lbs. Net When Packed DPO Evaporated Apples \* \* \* Distributed by Dean Dale, P.O. Box 359 4614 Sonoma Hi-Way Santa Rosa, California."

**LIBELED:** 10-9-61, Dist. Mass.



CHARGE: 402(a)(3)—contained rodent hairs and rotten apples; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-20-61. Default—delivered to a public institution for use as animal feed.

28075. Dried apples. (F.D.C. No. 45571. S. No. 49-166 P.)

INFORMATION FILED: 11-16-61, N. Dist. Calif., against Santa Cruz Fruit Co., a partnership, Santa Cruz, Calif.

ALLEGED VIOLATION: On 10-13-59, the defendant caused to be given to a firm engaged in the business of shipping various products in interstate commerce, a guaranty to the effect that fruits shipped by the defendant to such firm would not be adulterated. On 10-27-59, the defendant caused to be shipped and delivered to the holder of the guaranty at San Jose, Calif., quantities of dried apples which were adulterated.

CHARGE: 402(a)(3)—contained insect fragments, insect excreta, and other insect filth.

PLEA: Guilty.

DISPOSITION: 2-6-62. \$1,000 fine.

#### MISCELLANEOUS FRUIT PRODUCTS

28076. Apple juice. (F.D.C. No. 45752. S. No. 61-139 R.)

QUANTITY: 192 cases, 12 1-qt. btls. each, at Wichita, Kans.

SHIPPED: 2-13-61, from Kansas City, Mo., by Speas Co.

LABEL IN PART: (Btl.) "Speas Apple Juice \* \* \* Packed by Speas Company, Kansas City, Mo."

LIBELED: 5-24-61, Dist. Kans.

CHARGE: 402(a)(3)—consisted in whole or in part of a filthy substance; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-20-61. Default—destruction.

28077. Frozen concentrated orange juice. (F.D.C. No. 46028. S. Nos. 58-301 R, 58-328 R.)

QUANTITY: 786 cases, 48 cans each, at East Point, Ga.

SHIPPED: 1-5-61 and 2-9-61, from Orlando, Fla., by Snow Crop Sales Div. of Minute Maid Corp.

LABEL IN PART: (Can sides) "Snow Crop Pure Concentrated Orange Juice \* \* \* Makes 24 fl. oz. \* \* \* Equal to the juice of up to 12 oranges. Snow Crop Sales Division, Minute Maid Corporation, Orlando, Florida" (can ends) "Snow Crop 100% Richer in Visible Flavor Cells."

LIBELED: 6-20-61, N. Dist. Ga.

CHARGE: 403(a)—when shipped, the label statement "100% Richer in Visible Flavor Cells" was false and misleading since the article was not 100% richer in vitamin C; and it would not improve health, increase energy; help fight disease; and resist infection, as implied; 403(a)—the label statement "100% Richer in Visible Flavor Cells" was false and misleading since it implied that the visible insoluble material in the article consisted of flavor cells which was contrary to fact; 403(a)—the label statement "100% Richer in Visible Flavor Cells" was false and misleading since it purported to make a comparison without giving the basis of comparison; and 403(a)—the label statement "Equal to

the juice of up to 12 oranges" was false and misleading since it was contrary to fact.

DISPOSITION: 4-27-62. Consent—delivered to a charitable institution.

**28078. Orange juice.** (F.D.C. No. 46534. S. No. 51-391 T.)

QUANTITY: 719 cases, 12 btls. each, at Anaheim, Calif.

SHIPPED: 11-7-61, from Seattle, Wash. This was a return shipment.

LABEL IN PART: (Case) "Sunnyland Juice Corp. Orange Juice 12 Quarts"; (btl.) "Sunnyland One Quart" (Brown in btl. glass); (btl. cap) "Sunnyland Orange Juice Anaheim & Santa Clara, Calif."

RESULTS OF INVESTIGATION: Examination showed this article to be short volume.

LIBELED: 11-16-61, S. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of quantity of contents.

DISPOSITION: 12-26-61. Consent—claimed by Sunnyland Juice Corp., and re-packed and reconditioned.

**28079. Cherries brined.** (F.D.C. No. 46339. S. No. 48-303 T.)

QUANTITY: 159 250-lb. bbls. at Santa Clara, Calif.

SHIPPED: 8-29-61, from Dalles, Oreg., by Dalles Cooperative Growers.

LIBELED: 9-21-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained *Drosophila* flies, *Drosophila* pupae, other insects, and insect fragments when shipped.

DISPOSITION: 11-3-61. Consent—claimed by Dalles Cooperative Growers. Segregated; 4 bbls. destroyed.

### VEGETABLES AND VEGETABLE PRODUCTS\*

**28080. Canned lima beans.** (F.D.C. No. 47481. S. No. 67-746 T.)

QUANTITY: 250 cases, 24 cans each, at Hazelwood, Mo.

SHIPPED: 4-14-62, from Siloam Springs, Ark., by Allen Canning Co.

LABEL IN PART: (Can) "King of Ozarks All Green Medium Lima Beans \* \* \* Net Contents 15 Oz. Avoir. Allen Canning Company Packers and Distributors, Siloam Springs, Ark."

LIBELED: 5-4-62, E. Dist. Mo.

CHARGE: 403(a)—when shipped, the label statement "All Green" was false and misleading since the article was prepared from dry stock and consisted of approximately 14 percent white beans; and 403(g)(1)—the article failed to conform to the definition and standard of identity for canned lima beans in that it was not prepared from the succulent vegetable, but from dry lima beans, and its label failed to state that fact.

DISPOSITION: 6-15-62. Default—delivered to charitable institutions.

**28081. Canned green beans.** (F.D.C. No. 47240. S. No. 61-316 T.)

QUANTITY: 158 cases, 24 cans each, at St. Louis, Mo.

SHIPPED: 1-29-62, from Springdale, Ark., by Steele Canning Co.

LABEL IN PART: (Can) "Net Contents 15½ Oz. Avoir. Nancy Jo Brand Cut Green Beans Steele Canning Co., Packers & Distr., Springdale, Ark."

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\*See also No. 28023.



**LIBELED:** 3-14-62, E. Dist. Mo.

**CHARGE:** 403(h)(1)—the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material and its label did not bear, as specified by the regulations, a statement that it fell below such standard.

**DISPOSITION:** 4-27-62. Default—delivered to charitable institutions.

**28082. Canned sliced beets.** (F.D.C. No. 47388. S. No. 51-866 T.)

**QUANTITY:** 33 cases, 12 jars each, at Seattle, Wash.

**SHIPPED:** 10-9-61, from West Salem, Oreg., by Blue Lake Packers.

**LABEL IN PART:** (Jar) "Grandma Burny's \* \* \* French Garlic Beets \* \* \* Contents 1 Pint Packed by The Mar-Kit Corp. Santa Monica, California."

**RESULTS OF INVESTIGATION:** Examination showed that the name and address of the packer and the quantity of contents statement were inconspicuous due to being printed in very small type. The article was not packed by the Mar-Kit Corp.

**LIBELED:** 3-21-62, W. Dist. Wash.

**CHARGE:** 403(a)—when shipped, the label statement "Packed by The Mar-Kit Corp., Santa Monica, California" was false and misleading, since the Mar-Kit Corp. was not the packer of the article; 403(f)—the name and place of business of the manufacturer, packer, distributor, and an accurate statement of the quantity of contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(g)(1)—the article failed to conform to the definition and standard of identity for canned beets in that its label failed to bear words showing the optional form of the beet ingredient, namely "Slices" or "Sliced"; the names of the optional ingredients did not immediately precede or follow the name of the food without intervening written, printed or graphic matter; and the article contained sodium benzoate, which is not permitted as an ingredient of the article.

**DISPOSITION:** 4-16-62. Default—delivered to a public institution.

**28083. Canned mushrooms.** (F.D.C. No. 47372. S. No. 8-177 T.)

**QUANTITY:** 46 cases, 24 jars each, at Chelmsford, Mass.

**SHIPPED:** 1-10-62, from West Chester, Pa., by Brandywine Mushroom Corp.

**LABEL IN PART:** (Jar) "Brandywine Fancy Button Mushrooms \* \* \* Net Drained Wt. 2½ Oz. Avoir. Brandywine Mushroom Corp. West Chester, Pa."

**RESULTS OF INVESTIGATION:** Examination showed that the article was contained in glass jars with a wraparound label which overlapped and covered the figures of the quantity of contents statement in part, making it inconspicuous.

**LIBELED:** 3-9-62, Dist. Mass.

**CHARGE:** 403(f)—when shipped, the information required by 403(e)(2) to appear on the label, namely, the quantity of contents statement, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 5-1-62. Default—delivered to a public or charitable institution.

**28084. Canned shoestring potatoes.** (F.D.C. No. 47194. S. No. 29-012 T.)

**QUANTITY:** 225 cases, 12 cans each, at Wichita, Kans.

**SHIPPED:** 11-3-61, from Colorado Springs, Colo., by F & L Food Products, Inc.

**LABEL IN PART:** (Case ) "12-8 Oz. Nalley's Supper Club Shoestring Potatoes";  
(can) "Supper Club Shoestring Potatoes \* \* \* Net Weight 8 Oz. \* \* \*"  
Packed by F & L Food Products, Inc. Colorado Springs, Colorado."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-8-62, Dist. Kans.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 5-8-62. Default—delivered to a charitable institution.

**28085. Chickpeas.** (F.D.C. No. 46632. S. No. 6-310 T.)

**QUANTITY:** 85 50-kg. bags at Stamford, Conn.

**SHIPPED:** 7-13-61, from Lisboa, Portugal.

**LIBELED:** 12-1-61, Dist. Conn.

**CHARGE:** 402(a) (3)—contained insect-infested peas while held for sale.

**DISPOSITION:** 1-24-62. Consent—claimed by Gus Sclafani Corp., Stamford, Conn. Segregated; 115 lbs. destroyed.

**28086. Pigeon peas and chickpeas.** (F.D.C. No. 44663. S. Nos. 57-790 P, 72-965 P.)

**INFORMATION FILED:** 5-26-61, S. Dist. N.Y., against T. J. Krikorian & Son, Inc., Bronx, N.Y.

**ALLEGED VIOLATIONS:** Between 2-29-58 and 9-1-59, while quantities of pigeon peas and chickpeas were being held for sale after shipment in interstate commerce, the defendant caused quantities of the articles to be held and stored under insanitary conditions, which acts resulted in the articles being adulterated.

**CHARGE:** 402(a) (3) and (4)—the articles became contaminated with insects, insect fragments, and rodent urine by reason of their storage under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 10-10-61. \$1,000 fine.

**28087. Cherry peppers (pickles).** (F.D.C. No. 46562. S. No. 42-363 T.)

**QUANTITY:** 840 cases, 12 1-qt. jars each, some labeled and some unlabeled, at Kennett Square, Pa.

**SHIPPED:** 8-22-61, from Minotola, N.J., by Mazzoni Bros.

**LABEL IN PART:** (Some jars) "Acme Ideal Pickles Hot Peppers Distributed by American Stores Co., Philadelphia, Pa."

**RESULTS OF INVESTIGATION:** The article was prepared and packed in jars by Walbeck Foods, Kennett Square, Pa., from red and green cherry peppers shipped in bulk as described above.

**LIBELED:** 10-9-61, E. Dist. Pa.

**CHARGE:** 402(a) (3)—contained fly eggs, maggots, and insect larvae when shipped.

**DISPOSITION:** 12-14-61. Default—destruction.



**28088. Olives.** (F.D.C. No. 46987. S. No. 37-316 T.)

**QUANTITY:** 50 100-lb. bbls. at New Orleans, La.

**SHIPPED:** 12-19-61, from Houston, Tex., by W. R. Zanes.

**LIBELED:** 1-19-62, E. Dist. La.

**CHARGE:** 402(a)(3)—contained maggots when shipped.

**DISPOSITION:** 4-16-62. Default—destruction.

**28089. Cauliflower in brine, sweet gherkins, and sweet relish.** (F.D.C. No. 45992. S. Nos. 7-070 R, 7-566 R, 7-741 R.)

**INFORMATION FILED:** 7-28-61, Dist. Mass., against National Pickling Works, Inc., Roxbury, Mass., and Abraham Wallace, president and treasurer.

**ALLEGED VIOLATIONS:** Between 11-24-59 and 6-22-60, while a quantity of cauliflower in brine was being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building accessible to insects and to be exposed to contamination by insects, which acts resulted in the article being adulterated.

Between 5-6-60 and 7-1-60, the defendants caused to be introduced into interstate commerce at Roxbury, Mass., for delivery to Portsmouth, N.H., quantities of sweet gherkins and sweet relish which were adulterated.

**LABEL IN PART:** "Old Gold Sweet Gherkins Contents One Gallon [or "Sweet Relish Net Contents One Gallon"] Distributed by Geo. D. Emerson Co. Somerville, Mass."

**CHARGE:** 402(a)(3)—the cauliflower contained insects and maggots, and the other articles contained insect parts; and 402(a)(4)—the cauliflower was held and the other articles were prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 9-18-61. The court fined the corporation \$900, and the individual \$100.

**28090. Fresh cucumbers and sweet relish.** (F.D.C. No. 45578. S. Nos. 6-916 R, 7-685 R.)

**INFORMATION FILED:** 6-12-61, Dist. Mass., against R & S Pickle Works, Inc., Roxbury, Mass.

**ALLEGED VIOLATIONS:** Between 7-15-59 and 6-21-60, while a quantity of fresh cucumbers were being held for sale after shipment in interstate commerce, the defendant caused such article to be held in a salting tank that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the article being adulterated.

On 5-16-60, the defendant caused to be introduced and delivered for introduction into interstate commerce at Roxbury, Mass., for delivery to Plaistow, N.H., a quantity of sweet relish which was adulterated.

**LABEL IN PART:** (Jar) "Ladies Choice SWEET RELISH PACKED BY R & S PICKLE WORKS, INC. BOSTON, MASS."

**CHARGE:** 402(a)(3)—the cucumbers contained insects and maggots and the sweet relish contained insect parts; and 402(a)(4)—the cucumbers were held under insanitary conditions and the sweet relish was prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 9-25-61. \$1,000 fine.

## NUTS

**28091. Shelled almonds and chamomile flowers.** (F.D.C. No. 45219. S. Nos. 96-777 P, 96-779 P, 96-883/4 P.)

**INFORMATION FILED:** 7-18-61, S. Dist. N.Y., against West Side Cold Storage Co., Inc., New York, N.Y., and George H. Breckley, secretary-treasurer.

**ALLEGED VIOLATIONS:** Between 1-16-60 and 1-20-60, while quantities of shelled almonds and chamomile flowers were held for sale after shipment in interstate commerce, the defendants caused the articles to be stored under insanitary conditions which act resulted in the articles being adulterated.

**CHARGE:** 402(a) (3) and (4)—the articles became contaminated with rodent urine by reason of their storage under insanitary conditions.

**PLEA:** Guilty by the corporation to each of the 4 counts of the information; and by the individual to count 1.

**DISPOSITION:** 9-28-61. Corporation fined \$2,000; individual fined \$500.

**28092. Shelled almonds.** (F.D.C. No. 47482. S. No. 68-091 T.)

**QUANTITY:** 90 100-lb. bags at Centralia, Ill., in possession of Hollywood Brands, Inc.

**SHIPPED:** 2-13-62, from Sacramento, Calif.

**LIBELED:** 5-2-62, E. Dist. Ill.

**CHARGE:** 402(a) (3)—contained rodent urine and rodent-damaged nuts; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 5-8-62. Consent—claimed by Hollywood Brands, Inc. Segregated; 300 lbs. destroyed.

**28093. Sliced almonds.** (F.D.C. No. 46981. S. No. 47-147 T.)

**QUANTITY:** 46 cases, 12 bags each, at St. Louis, Mo.

**SHIPPED:** 12-27-61, 1-3-62, and 1-10-62, from Chicago, Ill., by H. H. Evon Co., Inc.

**LABEL IN PART:** (Bag) "Evon's Sliced Almonds \* \* \* Net Wt. 4 Oz. Approx. 1½ cup \* \* \* H. H. Evon Co., Inc."

**RESULT OF INVESTIGATION:** Articles were contained in clear plastic bags with dark blue and white paper labels attached to the top. Quantity of contents statements were inconspicuous due to being embossed on the dark blue portion of the label. Examination showed the article to be short volume.

**LIBELED:** 1-26-62, E. Dist. Mo.

**CHARGE:** 403(a)—when shipped, the label statement "Approx. 1½ Cup" was false and misleading; and 403(f)—the weight of the contents was not prominently placed on the article with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 3-8-62. Default—delivered to charitable institutions.

**28094. Shelled walnuts.** (F.D.C. No. 47230. S. No. 51-056 T.)

**QUANTITY:** 80 cases, 24 11-oz. pkgs. each, at Spokane, Wash.

**SHIPPED:** 1-15-62, from Burlingame, Calif.

**LIBELED:** 3-8-62, E. Dist. Wash.



CHARGE: 402(a) (3)—while held for sale, the article was unfit for food due to having an abnormal taste and odor.

DISPOSITION: 5-11-62. Default—destruction.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

28095. Tafon tablets. (F.D.C. No. 44995. S. No. 91-502 P.)

QUANTITY: 37 cases, each containing 12 180-tablet btls., 83 cases, each containing 13 180-tablet btls., 38 cases, each containing 12 84-tablet btls., 3 cases, each containing 7 84-tablet btls., 12 180-tablet btls., and 57 84-tablet btls., at Denver, Colo.

SHIPPED: During the year 1956, from Hollywood, Calif.

LABEL IN PART: "Tafon \* \* \* A Mineral-Water-Soluble Vitamin Dietary Supplement And An Aid to Appetite Appeasement \* \* \* Each Day's Supply (consisting of 12 tablets) Contains: \* \* \* Vitamin B<sub>2</sub> (Riboflavin) 2 mg."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 67 to 85 percent of the declared amount of vitamin B<sub>2</sub>.

LIBELED: 10-5-60, Dist. Colo.

CHARGE: 402(b) (1)—while held for sale, the valuable constituent, vitamin B<sub>2</sub>, had been in part omitted or abstracted from the article; 403(a)—the label statement "Vitamin B<sub>2</sub> (Riboflavin) 2 mg." was false and misleading as applied to a product containing less than the declared amount of vitamin B<sub>2</sub>; the label statement "The Daily adult requirement of \* \* \* Niacinamide \* \* \* has not been established" was false and misleading since it was contrary to fact; and 403(j)—the article purported to be and was represented as food for special dietary uses by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for niacinamide supplied by such food when consumed in a specified quantity during the period of one day.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6726.

DISPOSITION: 11-14-60. Default—destruction.

28096. Hadacol capsules. (F.D.C. No. 46029. S. No. 86-802 R.)

QUANTITY: 22 cases, each containing 48 25-tablet ctnd. btls., and 61 cases, each containing 24 50-tablet ctnd. btls., at Dallas, Tex.

SHIPPED: 10-11-60 and 2-14-61, from Memphis, Tenn., by Plough, Inc.

LABEL IN PART: (Btl. and ctn.) "Hadacol \* \* \* A Dietary Supplement Capsules A high-potency concentrate of vitamins and minerals to help overcome the symptoms and dangers that may be caused by an inadequate supply of these vital dietary requirements. Manufactured in the South Exclusively for Hadacol, Inc., Chicago 11, Illinois Each Hadacol Capsule contains \* \* \* Folic Acid, USP 0.25 mg. \* \* \* Directions: Adults: \* \* \* one to three Hadacol Capsules daily."

LIBELED: 7-6-61, N. Dist. Tex.

CHARGE: 402(a) (2) (C)—when shipped, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.



The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6728.

DISPOSITION: 8-21-61. Default—destruction.

**28097. Hadacol capsules.** (F.D.C. No. 46055. S. No. 86-804 R.)

QUANTITY: 39 50-capsule btls. and 24 25-capsule btls., at Dallas, Tex.

SHIPPED: Between 6-2-60 and 2-10-61, from Memphis, Tenn., by Plough, Inc. (Hadacol, Inc.).

LABEL IN PART: (Btl.) "Hadacol \* \* \* A Dietary Supplement Capsules \* \* \* Manufactured in the South Exclusively for Hadacol, Inc., Chicago, 11, Illinois Each Hadacol Capsule contains \* \* \* Folic Acid, USP 0.25 mg."

LIBELED: 7-6-61, N. Dist. Tex.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, folic acid, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6727.

DISPOSITION: 8-21-61. Default—destruction.

**28098. Honey (dietary).** (F.D.C. No. 45504. S. Nos. 50-218/47 R.)

QUANTITY: 145 cases of 12 1-lb. jars, 88 cases of 12 2-lb. jars, 47 cases of 12 5-lb. tins, and 6 cases of 24 2½-lb. tins, at Denver, Colo.

SHIPPED: On various dates between 3-30-60 and 2-8-61, from Los Angeles, Calif., by Western Commerce Corp.

LABEL IN PART: (Jars) "Heath Food Special Brand \* \* \* Pure Aquinaldo [or "Algarroba," "Alfalfa," "Avocado," "Buckwheat," "Cactus," "Clover," "Eucalyptus," "Mesquite," "Mountain," "Orange," "Safflower," "Sage," "Star Thistle," "Tupelo," or "Wild Flower."] Honey \* \* \* Packed by California Olive & Honey Co., Los Angeles, Calif." and (tins) "Health Food Special Brand \* \* \* 100% Pure Honey Alfalfa [or "Algorraba," "Abucado," "Buckwheat," "Cactus," "Clover," "Eucalyptus," "Mountain," "Orange," "Safflower," "Sage," "Star Thistle," "Wildflower," "Pot O'Gold," or "Wild Honey"] Western Commerce Corp. Los Angeles 23, California."

LIBELED: 3-17-61, Dist. Colo.

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use and its labels failed to bear, as required by regulations, a statement of the dietary properties upon which such use was based in whole or in part.

The libel alleged also that the article, together with certain other articles, was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6729.

DISPOSITION: 8-3-61. Consent—Claimed by Daniel A. Nidess, t/a Health Food Sales Co., Denver, Colo., and released for relabeling.

**28099. Coldene vitamin tonic with iron.** (F.D.C. No. 45768. S. No. 38-020 R.)

QUANTITY: 360 12-btl. cases at Philadelphia, Pa.

SHIPPED: 6-22-60, from Cranbury, N.J., by Pharma-Craft Corp.



**LABEL IN PART:** "Coldene Vitamin Tonic with Iron \* \* \* Each fluid oz. (2 Tablespoonfuls) contains: \* \* \* Riboflavin (B<sub>2</sub>) 4 mg. \* \* \* Pharma-Craft Corporation, Distrs. Cranbury, N.J."

**ACCOMPANYING LABELING:** Leaflet entitled "Coldene Liquid Cold Medicine."

**RESULTS OF INVESTIGATION:** Analysis showed that portions of the article contained approximately 58 percent to 63 percent of the declared amount of riboflavin.

**LIBELED:** 5-3-61, E. Dist. Pa.

**CHARGE:** 402(b)(1)—when shipped and while held for sale, the valuable constituent, riboflavin, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each fluid oz. (2 tablespoonfuls) contains: \* \* \* Riboflavin (B<sub>2</sub>) 4 mg." was false and misleading as applied to an article which contained less than the declared amount of riboflavin; 403(a)—the label statements "M.D.R. for Niacinamide \* \* \* not established" and "Need in human nutrition for \* \* \* Methionine is not established" were false and misleading since they were contrary to fact; 403(j)—the article purported to be and was represented as a food for special dietary use and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins B<sub>1</sub> (thiamine), B<sub>2</sub> (riboflavin), and niacinamide, and for iron, supplied by such food when consumed in a specified quantity during the period of one day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6732.

**DISPOSITION:** 9-13-61. Default—destruction.

**28100. Vita-Peutic tablets, Conciecaps capsules, Conciecaps No. 2 tablets, and Folitinic tablets.** (F.D.C. No. 45954. S. Nos. 79-511/3 R, 79-515 R.)

**QUANTITY:** 9 ctns. of 12 30-tablet btls. each, 18 ctns. of 12 60-tablet btls. each, and 11 ctns. of 12 100-tablet btls. each, of Vita-Peutic tablets; 11 ctns. of 12 100-capsule btls. each, of Conciecaps; 38 ctns. of 12 100-tablet btls. each, of Conciecaps No. 2; 10 ctns. of 12 100-tablet btls. each of Folitinic, at Arlington, Va.

**SHIPPED:** Between 4-5-57 and 5-26-60, from Philadelphia, Pa.

**LABEL IN PART:** (Btl.) "Vita-Peutic Tablets Improved with Vitamin B<sub>12</sub> \* \* \* Distributed by Arlco Drug Co. \* \* \* Each Tablet Contains: \* \* \* Folic Acid 0.5 mg. \* \* \* Dose: One or Two Tablets Daily"; (btl.) "Conciecaps Arlco A dietary supplement supplying Vitamin B<sub>1</sub>, B<sub>2</sub> D, Calcium, Iron and other minerals, needed particularly during pregnancy and lactation. Dose: One or two capsules three times daily \* \* \* Each Capsule Contains: \* \* \* Folic Acid 0.17 mg."; (btl.) "Arlco Conciecaps No. 2 A Dietary Supplement For Pregnant and Lactating Women Dose: 1 or 2 tablets 3 times a day \* \* \* Distributed by Arlco Drug Co., P.O. Box 451 Arlington, Va. \* \* \* Each Tablet Contains: \* \* \* Folic Acid 0.33 mg."; (btl.) "S.C. Red Tablets Folitinic Arlco \* \* \* as a dietary supplement in the treatment of hypochromic or nutritional anemia. Distributors Arlco Drug Co. \* \* \* The Daily Dose of Three Tablets Contain The Following: \* \* \* Folic Acid 1 mg."

**LIBELED:** 6-19-61, E. Dist. Va.

**CHARGE:** 402(a)(2)(C)—while held for sale, the articles contained a food additive, namely, folic acid, which was unsafe within the meaning of 409.



The libel alleged also that another article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6708.

DISPOSITION: 7-6-61. Consent—claimed by Arlco Drug Co., Arlington, Va., and relabeled.

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SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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American Coffee Co., Inc.:		rice -----	28039
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American Stores Co.:		wheat -----	28045
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Arlco Drug Co.:		corn sugar-----	28068
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Arnaud Coffee Corp.:		rice and cornmeal-----	28034
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Co.:		rice-----	28037
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Farmer's Union Cooperative Ele-		flour-----	28022
vator Co.:		Kelly, Weber & Co., Inc.:	
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Frigid Food Products, Inc.:		flour-----	28019
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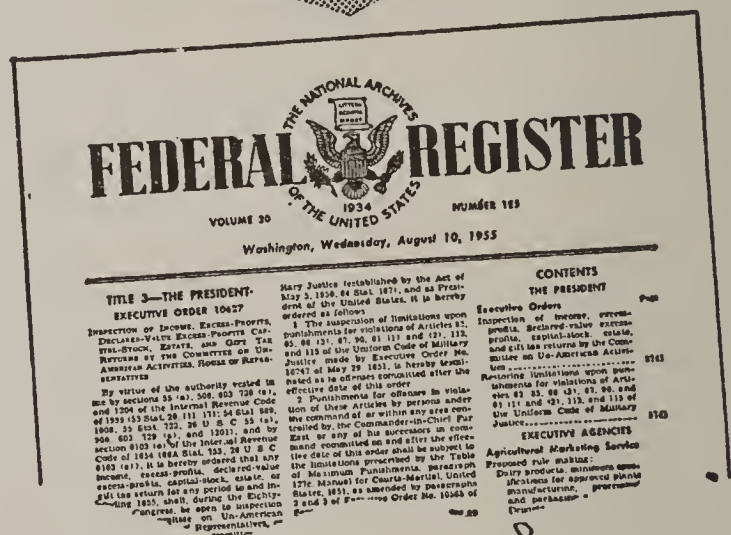
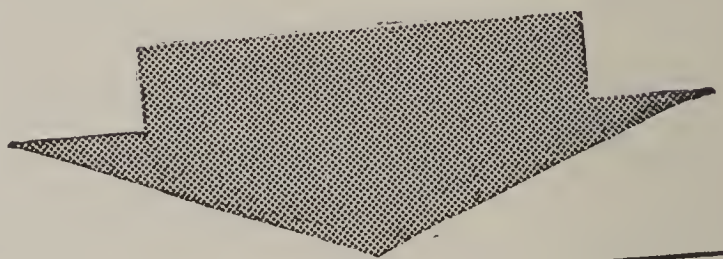
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tion:		Co.:	
wheat -----	28053	flour -----	28021
Richheimer Coffee Co.:		Tri-County Grain Co.:	
instant coffee-----	28005	wheat -----	28055
Rothstein, B., & Co., Inc.:		Tyler & Simpson Co., Inc.:	
donut base, donut mix, and		flour -----	28016
sweet dough base-----	28025	Unanue & Sons, Inc.:	
Russell-Miller Milling Co.:		sweet chocolate candy-----	28063
wheat -----	28043	United Distributing Co.:	
Safeway Stores, Inc.:		wine -----	28009
Roxbury brand candies-----	28065	Vines Poultry Co.:	
Santa Cruz Fruit Co.:		frozen eggs-----	28070
dried apples-----	28075	Vintage Foods, Inc.:	
Setzer's Warehouse, Inc.:		corn sugar-----	28068
hominy grits and rice-----	28056	Wallace, Abraham:	
Snow Crop Sales, Div. of Minute		cauliflower in brine, sweet	
Maid Corp.:		gherkins, and sweet relish--	28089
frozen concentrated orange		Western Commerce Corp.:	
juice -----	28077	dietary honey-----	28098
Speas Co.:		West Side Cold Storage Co., Inc.:	
apple juice-----	28076	shelled almonds and chamo-	
Springfield Flour Mills:		mile flowers-----	28091
flour -----	28026	Williston Farmers Union Ele-	
Steele Canning Co.:		vator:	
canned green beans-----	28081	wheat -----	28049
Sunnyland Juice Corp.:		Wolferman, Fred, Inc.:	
orange juice-----	28078	muffins, rolls, donut centers,	
Thomas & Howard Co.:		and candy-----	28059
rice and cornmeal-----	28033	Woolworth, F. W., Co.:	
Timberlake, J. F., Jr.:		popcorn bunnies-----	28058
rice and cornmeal-----	28033	Zanes, W. R.:	
		olives -----	28088

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U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

28101-28200

FOODS

U. S. DEPT. OF AGRICULTURE  
NATIONAL AGRICULTURAL LIBRARY  
JAN 15 1963

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, consent, or, in one case, the overruling of a motion to dismiss; and (2) criminal proceedings which were terminated upon pleas of nolo contendere or guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., November 23, 1962.

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SECTIONS OF FEDERAL, FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 28101-28200

*Adulteration*, Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a) ; Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard, and (2) its label failed to bear the name of the food specified in the definition and standard, and as required by regulations, the common names of certain optional ingredients present in such food; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard, or (2) a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its



value for such uses; and Section 403(k), the article contained an artificial flavoring, or artificial coloring, or a chemical preservative and failed to bear labeling stating that fact.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**28101. Biscuits.** (F.D.C. No. 47508. S. No. 71-075 T.)

QUANTITY: 476 cases, 24 pkgs. each, at Norman, Okla.

SHIPPED: 4-23-62, from Dallas, Tex., by American Foods, Inc.

LABEL IN PART: (Pkg.) "Sun-Spun Brand Enriched Biscuits \* \* \* 10 Biscuits \* \* \* Distributed by Kitchen Products, Inc., Chicago, Ill. Net Wt. 8 Ozs."

RESULTS OF INVESTIGATION: Examination showed that the statements of ingredients and enrichment were printed in silver color ink on gold color metallic label, and were inconspicuous due to smallness of type and noncontrasting, highly reflective background.

LIBELED: 5-22-62, W. Dist. Okla.

CHARGE: 403(f)—when shipped, the information required by 403 (i) (2) and (j) to appear on the label, namely, statement of ingredients and enrichment statement, were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-15-62. Default—delivered to a charitable institution.

**28102. Cookies.** (F.D.C. No. 47244. S. No. 21-306 T.)

QUANTITY: 53 cases, 12 bags each, at Casper, Wyo.

SHIPPED: 2-9-62, from Denver, Colo., by Bowman Biscuit Co.

LABEL IN PART: (Bag) "Supreme Mayfair" (tag on bag) "\* \* \* Contents 16 Cakes Net Weight 9¼ Oz. Ingredients: \* \* \* United Biscuit Company of America, Supreme Bakers Division, Denver, Colo. Melrose Park, Ill., Omaha, Neb."

LIBELED: 3-13-62, Dist. Wyo.

CHARGE: 402(a)(3)—contained rodent excreta pellets; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-3-62. Consent—destruction.

**28103. Marshmallow pies (cookies).** (F.D.C. No. 47486. S. No. 58-134 T.)

QUANTITY: 61 cases, 24 packages each, at Nashville, Tenn.

SHIPPED: 3-22-62, from Louisville, Ky., by Robert's Cookie Co.

LABEL IN PART: (Pkg.) "Robert's \* \* \* Marshmallow Pies Net Wt. 12 Ozs. \* \* \* Ingredients \* \* \* Robert's Cookie Co. Louisville, Kentucky."

RESULTS OF INVESTIGATION: Examination showed that the manufacturer's name and address were printed in black type on a dark blue background making it difficult to read.

LIBELED: 5-8-62, M. Dist. Tenn.

CHARGE: 403(f)—when shipped, the information required under 403(e)(1) to appear on the label, namely, the manufacturer's name and address, was not

prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-8-62. Consent—delivered to a charitable institution.

**28104. Frozen cherry turnovers and frozen apple turnovers.** (F.D.C. No. 46161. S. Nos. 80-349/50 R.)

QUANTITY: 9 cases, 12 pkgs. each of cherry turnovers, and 8 cases, 12 pkgs. each of apple turnovers, at Oklahoma City, Okla.

SHIPPED: 6-16-61, from Dallas, Tex., by Frozen-Rite Products, Inc.

LABEL IN PART: (Pkg.) "FROZEN-RITE 4 APPLE [or "CHERRY"] TURNOVERS \* \* \* Net Wt. 12 ozs. Frozen-Rite Products Inc., Dallas, Texas."

RESULTS OF INVESTIGATION: The mandatory label information appeared near the edge of the package cover in small type on a noncontrasting background and was almost entirely covered by the folded over metal portion of the cover.

LIBELED: 8-3-61, W. Dist. Okla.

CHARGE: 403(f)—when shipped, the information required by 403(e) and (i) (2) to appear on the label, namely, the firm name and address, quantity of contents statement and declaration of ingredients, was not prominently placed on the article with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: Frozen-Rite Products, Inc., claimant, filed a motion to dismiss on the ground that Section 403(f) was unconstitutional because of vagueness and indefiniteness. On 2-15-62, after considering the briefs and arguments of counsel, the court found that such section was not unconstitutional, overruled the motion, and entered a decree providing for condemnation of the article and its delivery to a charitable institution.

**28105. Cara-Ry wafers.** (F.D.C. No. 47548. S. No. 61-801 T.)

QUANTITY: 198 cases, 12 pkgs. each, at Cambridge, Mass.

SHIPPED: 3-24-62, from Duluth, Minn., by Zinsmaster Hol-Ry Co., Inc.

LABEL IN PART: (Pkg.) "Master Cara-Ry Wafer A Crisp Rye Wafer \* \* \* Net Wt. 7 Ozs. \* \* \* Zinsmaster Hol-Ry Company, Minneapolis, St. Paul, Duluth, Minn."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-16-62, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-28-62. Default—delivered to a public or charitable institution.

**28106. Hol-Ry wafers.** (F.D.C. No. 47571. S. Nos. 8-857 T, 61-802 T, 61-805 T.)

QUANTITY: 72 cases, 12 pkgs. each, at Cambridge, Mass.

SHIPPED: 3-22-62, from Duluth, Minn., by Zinsmaster Hol-Ry Co.

LABEL IN PART: (Case) "Master Hol-Ry Wafers 12-7 Oz."; (pkg.) "Master Hol-Ry A Crisp Rye Wafer \* \* \* Net Wt. 7 Oz. \* \* \* Zinsmaster Hol-Ry Company Minneapolis St. Paul Duluth Minn."



RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-30-62, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 6-4-62. Default—delivered to a public or charitable institution.

**28107. Vanilla wafers.** (F.D.C. No. 45246. S. Nos. 2-171 R, 2-271 R, 3-088 R, 16-869 R.)

INFORMATION FILED: 5-11-61, W. Dist. N.C., against Russell Corp., Charlotte, N.C., and Floyd A. Russell, Jr., vice-president and manager.

ALLEGED VIOLATIONS: On 3-1-60, the defendants caused to be given to a firm engaged in the business of shipping bakery products in interstate commerce, a guaranty to the effect that products shipped by the defendants to such firm under the guaranty would not be adulterated. Between 3-9-60 and 3-21-60, the defendants caused to be shipped and delivered to the holder of the guaranty at Charlotte, N.C., quantities of vanilla wafers which were adulterated. In addition, on 8-15-60 and 8-24-60, the defendants caused quantities of vanilla wafers which were adulterated to be shipped to Columbia, S.C., and Maryville, Tenn.

CHARGE: 402(a) (3)—contained insect parts, insect larva, and rodent hair fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-13-61. \$500 fine; prayer for judgment continued for one year.

### FLOUR

**28108. Flour.** (F.D.C. No. 44824. S. Nos. 19-623 R, 20-078 R.)

QUANTITY: 525 100-lb. bags at Saginaw, Mich., in possession of Grand Trunk Railway.

SHIPPED: 9-26-60, from Chicago, Ill.

RESULTS OF INVESTIGATION: Examination showed that the flour was held in a mice-infested railroad car.

LIBELED: 10-19-60, E. Dist. Mich.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 11-15-60. Consent—claimed by Grand Trunk Western Railroad Co. Segregated; 203 bags denatured for use as animal feed.

**28109. Flour.** (F.D.C. No. 45426. S. No. 32-267 R.)

QUANTITY: 400 100-lb. bags at Yauco, P.R.

SHIPPED: 11-5-60, from Indianapolis, Ind.

LIBELED: 2-15-61, Dist. P.R.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 4-6-61. Consent—claimed by Borinquen Biscuit Co., Yauco, P.R., and converted into animal feed.

**28110. Flour.** (F.D.C. No. 46835. S. No. 19-427 T.)

QUANTITY: 52 25-lb. bags at Athens, Tex., in possession of Robbins Bros. Wholesale Grocery Co., Inc.

SHIPPED: 10-17-61 and 11-9-61, from Yukon, Okla.

LIBELED: 12-6-61, E. Dist. Tex.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-26-61. Consent—destruction.

**28111. Flour, fatback, and cornmeal mix.** (F.D.C. No. 46024. S. Nos. 2-002 P, 44-727 P, 1-428 R, 1-431 R, 58-117 R, 58-167 R.)

INFORMATION FILED: 1-9-62, W. Dist. S.C., against Todd Grocery Co., Inc., Clinton, S.C.

ALLEGED VIOLATIONS: Between 4-23-59 and 4-20-61, while quantities of flour, fatback, and cornmeal mix were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building that was accessible to rodents and insects, and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine and rodent hairs; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 2-19-62. \$1,000 fine, sentence of 12 months imprisonment, which sentence was suspended upon payment of the fine, and 2 years probation.

**28112. Flour, dried Great Northern beans, dried navy beans, and dried pinto beans.** (F.D.C. No. 46371. S. Nos. 16-990/1 R, 16-995 R, 16-998/9 R.)

INFORMATION FILED: 11-13-61, S. Dist. Ohio, against Thiemann Bros., Inc., Cincinnati, Ohio, and Robert Thiemann, president.

ALLEGED VIOLATION: Between 2-1-61 and 5-8-61, the defendants caused certain quantities of flour and beans, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-8-62. Corporation—\$400 fine; individual—\$100 fine.

**28113. Flour.** (F.D.C. No. 46686. S. Nos. 48-322/3 R.)

INFORMATION FILED: 2-21-62, W. Dist. Mich., against Watson-Higgins Milling Co., a corporation, Grand Rapids, Mich., and Robert J. Higgins, president.

ALLEGED VIOLATION: Between 4-6-61 and 5-23-61, the defendants caused certain quantities of flour, while being held for sale after shipment in interstate commerce, to be held in a warehouse accessible to rodents, and to be exposed to contamination by rodents, which act resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—stored under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-9-62. Corporation—\$250 fine and 6 months probation; individual—\$250 fine and 6 months probation.

**28114. Flour.** (F.D.C. No. 46369. S. Nos. 12-039 R, 53-612 R, 54-136 R.)

INFORMATION FILED: 11-8-61, Dist. Minn., against General Mills, Inc., Minneapolis, Minn., and Don A. Stevens, vice-president and general manager of corporation's flour division at Minneapolis, Albert Gunner, plant superintendent, and Emil J. Paulson, elevator superintendent of corporation's Minneapolis flour mill.



SHIPPED: 11-28-60, from Minnesota to Illinois and Wisconsin.

LABEL IN PART: (Bag) "100 Lbs. Spring Clear Bleached Bromated Manufactured by General Mills, Inc. Minneapolis, Minnesota"; "WASHBURN'S GOLD MEDAL BAKERS FLOUR Bleached Bromated Manufactured by General Mills, Inc. Minneapolis, Minnesota 100 Lbs. Net"; and "100 LBS. NET GENERAL MILLS, INC. GOLD MEDAL Full Strength Bakers Flour Bleached-Bromated General Offices Minneapolis, Minnesota."

CHARGE: 402(a)(4)—prepared under insanitary conditions.

PLEA: Corporation—guilty to 3 counts of the information; individuals—guilty to count 1.

DISPOSITION: 3-13-62. Corporation—\$2,000 fine; each individual—\$250 fine.

**28115. Flour.** (F.D.C. No. 47149. S. No. 7-426 T.)

QUANTITY: 342 100-lb. bags at Cambridge, Mass.

SHIPPED: 1-31-62, from White River Junction, Vt., by Boston & Maine Railroad Co.

RESULTS OF INVESTIGATION: The article was held in a rodent-infested railroad car.

LIBELED: 2-16-62, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent hairs and rodent urine while in interstate commerce; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-9-62. Consent—claimed by Boston & Maine Railroad Co. Segregated; 99 bags converted into animal feed.

**28116. Flour.** (F.D.C. No. 47456. S. No. 29-340 T.)

QUANTITY: 946 100-lb. bags at Kansas City, Kans.

SHIPPED: 3-14-62, from Denver, Colo.

RESULTS OF INVESTIGATION: Investigation showed that the article was held in a rodent-infested railroad car.

LIBELED: 4-17-62, Dist. Kans.

CHARGES: 402(a)(3)—contained rodent urine while in interstate commerce; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-21-62. Consent—claimed by Union Pacific Railroad Co., Kansas City, Kans., and denatured.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**28117. Rice.** (F.D.C. No. 45347. S. Nos. 44-793/5 R.)

QUANTITY: 222 100-lb. bags at Seattle, Wash., in possession of American Warehouse Co.

SHIPPED: Between 4-8-60 and 9-26-60, from Houston, Tex., and Sacramento, Calif.

LIBELED: 1-11-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent urine, insects, and insect parts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-11-61. Consent—claimed by Granger & Co., Seattle, Wash. Segregated; insect- and rodent-contaminated rice converted into animal feed.

**28118. Rice and hominy grits.** (F.D.C. No. 47601. S. Nos. 64-513/5 T.)

QUANTITY: 129 25-lb. bags and 15 100-lb. bags of rice, and 167 25-lb. bags of hominy grits, at Charleston, S.C., in possession of General Wholesale Corp.

SHIPPED: (Rice) 2-21-62, from Stuttgart, Ark.; and (hominy grits) 3-30-62, from Memphis, Tenn.

LIBELED: 5-17-62, E. Dist. S.C.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-21-62. Consent—claimed by General Wholesale Corp. Segregated; 2,750 lbs. of grits and 4,175 lbs. of rice converted into animal feed.

28119. Rice. (F.D.C. No. 47552. S. No. 64-603 T.)

QUANTITY: 154 bales, 20 3-lb. bags each, at Charleston Heights, S.C.

SHIPPED: 5-30-61, from Kaplan, La.

LIBELED: 4-23-62, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 6-5-62. Consent—claimed by Rodenberg's, Charleston, S.C., and converted into animal feed.

28120. Rice. (F.D.C. No. 47498. S. No. 21-291 T.)

QUANTITY: 57 25-lb. bags at Denver, Colo.

SHIPPED: 3-28-62, from San Francisco, Calif., by Japan Food Corp.

LABEL IN PART: (Bag) "New Crop Extra Fancy Botan Brand (Peony) \* \* \* Calrose Rice Japan Food Corporation San Francisco-Los Angeles, Calif. 25 Lbs. New Weight \* \* \* Sacramento Valley Rice."

LIBELED: 5-18-62, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent hairs and rodent excreta; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-11-62. Default—destruction.

28121. Wheat. (F.D.C. No. 45617. S. No. 21-059 R.)

QUANTITY: 120,875 lbs. at Toledo, Ohio.

SHIPPED: 3-28-61, from Dexter, Mich., by Dexter Cooperative Co.

LIBELED: 4-7-61, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-26-61. Consent—claimed by Dexter Cooperative Co., and reconditioned by scouring; 800 lbs. destroyed.

28122. Wheat. (F.D.C. No. 45648. S. No. 48-348 R.)

QUANTITY: 99,650 lbs. at Ottawa Lake, Mich.

SHIPPED: 4-17-61, from Ida, Mich., by Ida Farmers Co-op. Co., to Toledo, Ohio, and on 4-24-61, returned to Ottawa Lake, Mich.

LIBELED: 4-28-61, E. Dist. Mich.

CHARGE: 402(a)(3)—when shipped, contained rodent pellets.

DISPOSITION: 5-18-61. Consent—claimed by Michigan Elevator Exchange, Lansing, Mich., and reconditioned by scouring.

28123. Wheat. (F.D.C. No. 46521. S. No. 51-011 T.)

QUANTITY: 232,480 lbs. at Spokane, Wash.

SHIPPED: Between 10-13-61 and 10-17-61, from Sun River, Mont., by Harry Weigand.



**LIBELED :** 11-2-61, E. Dist. Wash.

**CHARGE :** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION :** 12-30-61. Consent—claimed by Harry Wiegand and denatured for use as animal feed.

**28124. Wheat.** (F.D.C. No. 46933. S. No. 28-980 T.)

**QUANTITY :** 72,600 lbs. at Kansas City, Kans.

**SHIPPED :** 12-12-61, from Marthasville, Mo., by MFA Central Cooperative.

**LIBELED :** 1-29-62, Dist. Kans.

**CHARGE :** 402(a) (2) (B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a), since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

**DISPOSITION :** 4-6-62. Consent—claimed by MFA Central Cooperative and reconditioned, resulting in the segregation of 3,300 lbs. of screenings.

**28125. Wheat.** (F.D.C. No. 47293. S. No. 26-638 T.)

**QUANTITY :** 114,000 lbs. at Toledo, Ohio.

**SHIPPED :** 3-28-62, from New Carlisle, Ind., by Zahl's Elevator.

**LIBELED :** 4-9-62, N. Dist. Ohio.

**CHARGE :** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION :** 4-16-62. Consent—claimed by Carl P. Zahls, Sr., t/a Zahl's Elevator & Feed Mill, New Carlisle, Ind. Segregated ; 2,460 lbs. destroyed.

**28126. Wheat.** (F.D.C. No. 47258. S. No. 51-061 T.)

**QUANTITY :** 114,000 lbs. at Spokane, Wash.

**SHIPPED :** 3-3-62, from Havre, Mont., by Atwood-Larson Co.

**LIBELED :** 3-21-62, E. Dist. Wash.

**CHARGE :** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION :** 4-23-62. Consent—claimed by Montana Flouring Mills and denatured for use as animal feed.

**28127. Wheat.** (F.D.C. No. 47475. S. No. 34-194 T.)

**QUANTITY :** 112,320 lbs. at Minneapolis, Minn.

**SHIPPED :** 4-12-62, from Strasburg, N. Dak., by Farmer's Elevator Co.

**LIBELED :** 5-1-62, Dist. Minn.

**CHARGE :** 402(a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION :** 5-4-62. Consent—claimed by Farmer's Elevator Co., and denatured for use as animal feed.

**28128. Wheat.** (F.D.C. No. 47464. S. No. 34-034 T.)

**QUANTITY :** 100,000 lbs. at Minneapolis, Minn.

**SHIPPED :** 4-12-62, from Fredonia, N. Dak., by Farmer's Union Grain Terminal Association.

**LIBELED :** 4-24-62, Dist. Minn.

**CHARGE :** 402 (a) (3)—contained rodent excreta pellets when shipped.

**DISPOSITION :** 5-14-62. Consent—claimed by Fredonia Farmers Cooperative Elevator Co., and denatured for use as animal feed.

**28129. Wheat.** (F.D.C. No. 47480. S. No. 58-993 T.)

QUANTITY: 123,000 lbs. at Kansas City, Kans.

SHIPPED: 4-20-62, from Venango, Nebr., by Farmers Union Cooperative Grain Co.

LIBELED: 5-2-62, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-29-62. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Segregated; 7,150 lbs. destroyed.

**28130. Wheat.** (F.D.C. No. 47522. S. No. 63-187 T.)

QUANTITY: 72,000 lbs. at Duluth, Minn.

SHIPPED: 5-21-62, from Fredonia, N. Dak., by Fredonia Farmer's Cooperative Elevator Co., to Superior, Wis., and reshipped, 5-29-62, to Duluth, Minn.

LIBELED: 6-2-62, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-7-62. Consent—claimed by Fredonia Farmer's Cooperative Elevator Co., and denatured for use as animal feed.

**28131. Wheat.** (F.D.C. No. 47460. S. No. 59-336 T.)

QUANTITY: 90,000 lbs. at Kansas City, Kans.

SHIPPED: 4-10-62, from Paoli, Colo., by Paoli Farmer's Cooperative Elevator Co.

LIBELED: 5-2-62, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-21-62. Consent—claimed by Paoli Farmer's Cooperative Elevator Co. Segregated; 6,180 lbs. destroyed.

**28132. Wheat.** (F.D.C. No. 47465. S. No. 51-892 T.)

QUANTITY: 41,500 lbs. at Bothell, Wash.

SHIPPED: 4-16-62, from Big Timber, Mont., by Bieber Feed & Grain Co.

LIBELED: 4-24-62, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-8-62. Consent—claimed by Atwood-Larson Co., Portland, Oreg., and denatured for use as animal feed.

**28133. Wheat.** (F.D.C. No. 47542. S. No. 51-813 T.)

QUANTITY: 120,000 lbs. at Seattle, Wash.

SHIPPED: 5-23-62, from Conrad, Mont., by Cargill, Inc.

LIBELED: 6-7-62, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-8-62. Consent—claimed by Cargill, Inc., and converted to animal feed.

**28134. Wheat.** (F.D.C. No. 47747. S. No. 70-594 T.)

QUANTITY: 120,000 lbs. at Minneapolis, Minn.

SHIPPED: 5-24-62, from Harlow, N. Dak., by Farmer's Union Grain Terminal Association.

LIBELED: 6-13-62, Dist. Minn.



**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 6-29-62. Consent—claimed by Farmers Union Cooperative Elevator Co., Harlow, N. Dak., and denatured for use as animal feed.

**28135. Wheat.** (F.D.C. No. 47524. S. No. 71-344 T.)

**QUANTITY:** 637 bushels at Thomas, Okla.

**SHIPPED:** 5-10-62, from Eads, Colo., by Robinson Grain Co.

**LIBELED:** 5-31-62, W. Dist. Okla.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets, bird excreta, and insect-damaged kernels when shipped.

**DISPOSITION:** 6-29-62. Default—delivered to a public institution for use as animal feed.

**28136. Bulgur (wheat cereal).** (F.D.C. No. 45674. S. Nos. 21-724 R, 32-303 R, 35-670/72 R.)

**INFORMATION FILED:** 6-29-61, Dist. Mass., against Armeno Cereal Co., Inc., Northboro, Mass., and Armen K. Kalenian, president.

**SHIPPED:** Between 6-23-60 and 8-15-60, from Massachusetts to New York and Ohio.

**LABEL IN PART:** (Bag) "BULGUR (PRE-COOKED GRANULATED WHEAT) MANUFACTURED BY ARMENO CEREAL CO., INC. WESTBORO, MASS. 100 LBS. NET WHEN PACKED."

**CHARGE:** 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

**PLEA.** Guilty.

**DISPOSITION:** 4-9-62. Corporation—\$1,000 fine; individual—\$100 fine.

**28137. Unpopped popcorn.** (F.D.C. No. 47236. S. Nos. 38-141/2 T.)

**QUANTITY:** 80 cases, 24 bags each, at New Orleans, La.

**SHIPPED:** 2-15-62, from Vicksburg, Miss., by Tea Table Mills, Inc.

**LABEL IN PART:** (Case) "24—1 Lb. Packages IGA White [or "Yellow"] Pop Corn" and (bag) "IGA Fancy Selected Popcorn Net Weight 1 Pound \* \* \* Distributed by Independent Grocers' Alliance Distributing Co., Chicago, Illinois—Toronto, Ontario, Canada."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-26-62, E. Dist. La.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 6-8-62. Default—delivered to charitable institutions.

**28138. Puffed wheat and puffed rice.** (F.D.C. No. 46087. S. Nos. 96-610/11 R.)

**QUANTITY:** 49 cases, 18 pkgs. each of puffed wheat; and 148 cases, 18 pkgs. each of puffed rice, at Camden, N.J.

**SHIPPED:** 6-27-61, from Shiremanstown, Pa., by Quaker Oats Co.

**LABEL IN PART:** (Pkg.) "Quaker Puffed Wheat \* \* \* Weight 6 Oz. Net. Manufactured by The Quaker Oats Company \* \* \* Chicago" and (pkg.) "Quaker Puffed Rice \* \* \* Weight 6¾ Oz. Manufactured by The Quaker Oats Company, Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-20-61, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-26-61. Default—delivered to a charitable institution.

**28139. Puffed wheat.** (F.D.C. No. 46098. S. No. 96-627 R.)

QUANTITY: 26 cases, 18 pkgs. each, at Camden, N.J.

SHIPPED: 6-30-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Quaker Puffed Wheat \* \* \* Weight 6 Oz. Net Manufactured by The Quaker Oats Company \* \* \* Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-28-61, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-26-61. Default—destruction.

**28140. Milo grain.** (F.D.C. No. 47025. S. No. 29-184 T.)

QUANTITY: 2,200 bushels at Fremont, Nebr.

SHIPPED: Between 11-27-61 and 12-1-61, from Topeka, Kans., by DeKalb Agricultural Association, Inc.

LIBELED: 2-13-62, Dist. Nebr.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, Heptachlor which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on the article has been prescribed by regulations.

DISPOSITION: 3-16-62. Default—destruction.

**28141. Milo maize.** (F.D.C. No. 47472. S. No. 50-468 T.)

QUANTITY: 111,000 lbs. at Sacramento, Calif.

SHIPPED: 4-4-62, from Oakley, Kans., by Standard Milling Co.

LIBELED: 5-7-62, N. Dist. Calif.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on milo maize has been prescribed by regulations.

DISPOSITION: 5-21-62. Consent—claimed by Standard Milling Co., Kansas City, Mo. Segregated; 43,950 lbs. destroyed.

## DAIRY PRODUCTS

### BUTTER

**28142. Butter.** (F.D.C. No. 43772. S. No. 70-543 T.)

QUANTITY: 38 64-lb. boxes at St. Paul, Minn.



SHIPPED: 4-23-62, from Bismarck, N. Dak., by Capital Milk Products Co.

LABEL IN PART: "622631 64# Net Butter ARMOUR CREAMERIES Distributors Gen'l Office—Chicago, Ill."

LIBELED: 5-8-62, Dist. Minn.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 6-18-62. Consent—claimed by Capital Milk Products Co., and released under bond for reprocessing.

### CHEESE

**28143. Cold pack cheese spread.** (F.D.C. No. 46406. S. No. 83-658 R.)

QUANTITY: 300 cases, 12 12-oz. jars each, at New York, N.Y.

SHIPPED: 6-26-61, from Hilbert, Wis., by Calumet Cheese Co., Inc.

LABEL IN PART: (Jar) "Wispride Cold Pack Cheese Spread Ingredients: \* \* \* Max. Moisture—47% Min. Fat—20% \* \* \* Mfg. by Calumet Cheese Co., Inc. Hilbert, Wisconsin."

RESULTS OF INVESTIGATION: Examination showed that the article failed to conform to the definition and standard of identity for cold pack cheese food in that it contained more than 44 percent of moisture.

LIBELED: 8-25-61, S. Dist. N.Y.

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity for cold pack cheese food.

DISPOSITION: 11-2-61. Consent—claimed by Calumet Cheese Co., Inc., and relabeled.

**28144. Cheese.** (F.D.C. No. 47251. S. No. 33-227 T.)

QUANTITY: 31 cases, each containing one 60-lb. block of cheese, at Platteville, Wis.

SHIPPED: 2-14-62, from Eureka, S. Dak., by Eureka Cheese Factory.

LABEL IN PART: (Case) "Cheddar Cheese S. Dakota Shipper No. 1 Vat A Feb. 8, 1962."

LIBELED: 3-19-62, W. Dist. Wis.

CHARGE: 402(a) (3)—article was made from filthy milk.

DISPOSITION: 5-1-62. Default—denatured and sold for fish bait.

**28145. Gruyere process cheese.** (F.D.C. No. 47490. S. No. 12-271 T.)

QUANTITY: 50 cases, 72 pkgs. each, containing 6 1-oz. wedges each, at Milwaukee, Wis.

SHIPPED: 9-22-61, from Lochau, Austria.

LIBELED: 5-14-62, E. Dist. Wis.

CHARGE: 402(a) (3)—contained decomposed cheese while held for sale.

DISPOSITION: 6-20-62. Default—destruction.

**28146. Swiss cheese.** (F.D.C. No. 47469. S. Nos. 22-837 T., 23-252 T.)

QUANTITY: 286 cases, 12 6-oz. pkgs. each, at Denver, Colo.

SHIPPED: 4-16-62 and 4-23-62, from Thayne, Wyo., by Star Valley Swiss Cheese Co.

LABEL IN PART: (Pkg.) "Dutch Mill Brand Swiss Cheese \* \* \* 6 Ounces Net Wgt. Distributed by Safeway Stores, Inc. \* \* \* Oakland, Calif."

RESULTS OF INVESTIGATION: Examination showed that the article was sliced swiss cheese in a clear cellophane bag on which the distributor's name and address were printed in white ink which did not contrast with the cheese in the background, making it inconspicuous.

LIBELED: 4-27-62, Dist. Colo.

CHARGE: 403(f)—when shipped, the name and address of the distributor was not prominently placed on the article with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-19-62. Consent—claimed by Safeway Stores, Inc., and released under bond for relabeling.

**28147. Grated cheese.** (F.D.C. No. 47252. S. No. 38-963 T.)

QUANTITY: 32 drums and 43 cases, 24 jars each, at New Orleans, La., in possession of Uddo & Taormina of Louisiana, Inc.

SHIPPED: 12-6-61, from Campbellsport, Wis., by Stella Cheese Co.

LABEL IN PART: (Drum) "Grated Romano Cheese 50 lbs. net wt."; (jar) "Net wt. 2 oz. Aged More Than 60 Days Progresso Imported Grated Cheese Made of Partially Skimmed Milk Packed by Uddo & Taormina of La., Inc., New Orleans, La."

RESULTS OF INVESTIGATION: The article in the jars had been repacked by the dealer after receipt at New Orleans, La.

LIBELED: 3-26-62, E. Dist. La.

CHARGE: 403(e) (1)—when shipped, the article in the drums failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; 403(a)—while held for sale, the name "Imported Grated Cheese" on the jars was false and misleading as applied to a cheese of domestic origin; and 403(g) (1)—while held for sale, the article failed to bear the name provided by the definition and standard of identity for "Romano" cheese.

DISPOSITION: 5-17-62. Consent—claimed by Uddo & Taormina of Louisiana, Inc., and relabeled.

## MILK

**28148. Evaporated milk.** (F.D.C. No. 45875. S. No. 13-215 R.)

QUANTITY: 1,200 cases, 48 14½-oz. cans each, at Chicago, Ill.

SHIPPED: 2-3-61, from Germantown, Wis., by Gehls Guernsey Farms.

LABEL IN PART: (Can) "14-½ Ozs. Avoir. Net \* \* \* Armour Cloverbloom Evaporated Milk Homogenized—Vitamin D Content Increased Armour and Company Distributors \* \* \* Chicago, Ill. \* \* \* Armour Evaporated Milk is fortified by the addition of Vitamin D concentrate in the form of activated ergosterol and contains not less than 25 U.S.P. units per fluid ounce. \* \* \* 400 U.S.P. units per quart when mixed with an equal volume of water."

LIBELED: 5-8-61, N. Dist. Ill.

CHARGE: 402(b) (1)—when shipped, the valuable constituent, vitamin D, had been in part omitted or abstracted from the article; and 403(a)—the label statements "contain not less than 25 U.S.P. units per fluid ounce," and "will



provide not less than 400 U.S.P. units per quart when mixed with an equal volume of water," were false and misleading as applied to a product containing less than the declared amount of vitamin D.

DISPOSITION: 8-24-61. Consent—claimed by Gehl's Guernsey Farms and relabeled.

**28149. Evaporated milk and dried black-eyed peas.** (F.D.C. No. 47560. S. Nos. 43-458/9 T, 44-108/9 T.)

QUANTITY: 17 cases, 48 14½-oz. cans each, of milk, and 23 100-lb. bags of black-eyed peas, at Philadelphia, Pa., in possession of Sol Sved, t/a Delaware Avenue Mart; and 19 cases, 48 14½-oz. cans each, of milk, at Clifton Heights, Pa., in possession of Sol Sved, t/a Sol Sved Stall.

SHIPPED: On 10-13-61 and various unknown dates, from Stockton and Los Angeles, Calif.

LIBELED: 4-24-62, E. Dist. Pa.

CHARGE: 402(a)(3)—the milk contained a decomposed substance while held for sale; and 402(a)(4)—the black-eyed peas were held under insanitary conditions.

DISPOSITION: 5-21-62. Default—destruction.

## FISH AND SHELLFISH

**28150. Fresh crabmeat.** (F.D.C. No. 46387. S. Nos. 58-324/6 R, 58-334/6 R.)

INFORMATION FILED: 12-14-61, N. Dist. Fla., against Havana Crabmeat Plant, Inc., Havana, Fla., and Robert D. Barwick, vice-president and general manager.

SHIPPED: 5-12-61 and 6-23-61, from Florida to Maryland and Pennsylvania.

LABEL IN PART: (Can) "Fresh Backfin Crabmeat Havana Crabmeat Plant Havana, Fla. 105C Crabmeat"; and "Havana Crabmeat Plant Net Wt. 1 Lb. Claw Crabmeat [or "Special Crabmeat" or "All-Lump Crabmeat"] Havana, Fla."

CHARGE: 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-5-62. Corporation—\$500 fine; individual—probation for 3 years.

**28151. Canned tuna.** (F.D.C. No. 45466. S. Nos. 26-599 R, 26-642 R.)

QUANTITY: 156 cases, 48 6-oz. cans each and 91 cases, 48 7-oz. cans each at Newark, N.J.

SHIPPED: 10-11-60 and 11-18-60, from Terminal Island, Calif., by Pan Pacific Fisheries, Inc.

LABEL IN PART: (Can) "Season Brand White Tuna Flakes Net Wgt. 6 Oz. \* \* \* I. Epstein & Sons, Inc. Distributors, Newark, N.J." and "Season Brand Albacore Fancy Solid Pack White Tuna Net Wgt. 7 Oz. \* \* \* I. Epstein & Sons, Inc., Distributors, Newark, N.J."

LIBELED: 2-8-61, Dist. N.J.

CHARGE: 403(g)(1)—(tuna flakes) when shipped, the article failed to conform to the definition and standard of identity for canned tuna in that the article is designated "white" and it is darker than that prescribed in the regulations; and 403(h)(2)—(solid pack tuna) the article purported to be,

and was represented as, solid pack canned tuna, a food for which a standard fill of container has been prescribed by regulations, and it fell below such standard since the average weight, as determined by the method prescribed in such standard, of pressed tuna from 24 cans was less than 4.47 ounces; and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 2-8-61. Consent—claimed by Pan Pacific Fisheries, Inc., and relabeled.

**28152. Canned tuna.** (F.D.C. No. 47517. S. No. 64-866 T.)

QUANTITY: 50 20-lb. cans at San Gabriel, Calif.

SHIPPED: 2-9-62 and 2-14-62, from New York, N.Y., by Bruno Scheidt, Inc.

LABEL IN PART: (Can) "Roland Brand White Tuna Chunks \* \* \* Net contents 20-lbs. Packed in Angola For American Food Co. New York 13, N.Y."

LIBELED: 5-29-62, S. Dist. Calif.

CHARGE: 402(a) (3)—contained an excessive amount of salt when shipped.

DISPOSITION: 6-25-62. Default—destruction.

**28153. Shrimp cocktail.** (F.D.C. No. 45483. S. Nos. 12-916/7 R.)

QUANTITY: 530 cases, 12 jars each, at Chicago, Ill.

SHIPPED: 12-15-60 and 12-23-60, from Tampa, Fla., by Ocean Products, Inc.

LABEL IN PART: (Jar) "Treasure Isle Brand Shrimp Cocktail Net Wt. 5½-Oz. Packed by Ocean Products, Inc., Tampa, Fla."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 2-17-61, N. Dist. Ill.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 3-8-61. Consent—claimed by Ocean Products, Inc., and brought into compliance with the law.

**28154. Frozen breaded shrimp.** (F.D.C. No. 42497. S. Nos. 33-180 P, 77-585 P.)

INFORMATION FILED: 5-26-61, S. Dist. N.Y., against Redi Food Co., Inc., New York, N.Y., and Harold Nichols, secretary-treasurer and manager.

SHIPPED: 8-11-59 and 8-12-59, from New York to Michigan and Pennsylvania.

CHARGE: 402(a) (3)—contained bacterial organisms; and 402(a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 1-31-62. Corporation—\$500 fine; individual—probation for 1 year.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**28155. Canned peaches.** (F.D.C. No. 46643. S. No. 16-714 T.)

QUANTITY: 1,574 cases, 24 cans each, at Madison, Ind.

SHIPPED: Between 7-31-61 and 8-22-61, from Easley, S.C., by Morgan Packing Co., Inc.



**LABEL IN PART:** (Can) "Crossroads Pride Yellow Freestone Peaches Packed in Heavy Syrup Mixed Pieces of Irregular Shapes and Sizes Net Contents 1 Lb. 13 Ozs. Packed by Crossroads Canning Company, Easley, South Carolina."

**RESULTS OF INVESTIGATION:** The article was packed in light sirup; and examination showed that the article contained peaches of excessive hardness.

**LIBELED:** 12-13-61, S. Dist. Ind

**CHARGE:** 403(g) (2)—when shipped, the article failed to conform to the definition and standard of identity for canned peaches in that its label failed to bear the name of the optional packing medium present in such food, since the article was packed in the medium designated as "Light Sirup" whereas the label bore the statement "Packed in Heavy Syrup"; and 403(h) (1)—the quality of the article fell below the standard of quality for canned peaches since all peach units of the article were not pierced by a weight of not more than 300 grams; and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** 3-28-62. Consent—claimed by Crossroads Canning Co., and released under bond for relabeling.

**28156. Canned peaches.** (F.D.C. No. 47491. S. No. 37-463 T.)

**QUANTITY:** 25 cases, 24 1-lb. 13-oz. cans each, at Dothan, Ala.

**SHIPPED:** 8-6-60, from Macon, Ga., by Bateman Canning Co.

**LABEL IN PART:** (Can) "King Cole Halves Yellow Freestone Peaches Packed in Heavy Syrup Net Weight 1 Lb. 13 Oz. \* \* \* Packed by Bateman Canning Co. Macon, Ga."

**LIBELED:** 5-16-62, M. Dist. Ala.

**CHARGE:** 403(g) (2)—when shipped, the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional packing medium present in such food, since the article was packed in a medium designated as "Light Sirup" by such definition and standard.

**DISPOSITION:** 6-20-62. Default—delivered to a charitable institution.

**28157. Canned peaches.** (F.D.C. No. 46058. S. No. 42-366 R.)

**QUANTITY:** 199 cases, 24 1-lb. 14-oz. cans each, at Philadelphia, Pa.

**SHIPPED:** 5-18-61, from Modesto, Calif., by Stanislaus Food Products Co.

**LABEL IN PART:** (Can) "Food Club Sliced Yellow Freestone Elberta Peaches in Extra Heavy Sirup \* \* \* Distributed by Topco Associates, Inc., Chicago, Illinois \* \* \* Contents 1 Lb. 14 Oz."

**LIBELED:** 7-3-61, E. Dist. Pa.

**CHARGE:** 403(h) (2)—when shipped, the article fell below the standard of fill of container for canned peaches since the article did not contain the maximum quantity of the optional peach ingredient that can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** 2-9-62. Consent—claimed by Stanislaus Food Products Co., and relabeled.

**28158. Maraschino cherries.** (F.D.C. No. 47658. S. No. 61-869 T.)

QUANTITY: 42 cases, 24 4-oz. jars each, at Augusta, Maine.

SHIPPED: 4-27-62, from Ontario, N.Y., by Ontario Food Products Co.

LABEL IN PART: (Jar) "Fort Western Maraschino Cherries \* \* \* artificially colored and flavored. Contains 1/10 of 1% Benzoate of Soda. Sulphur Dioxide present. Present Cts. 4 Oz. avd. Packed For Holmes-Swift Co. Distributor Augusta & Waterville, Maine."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight, and contained undeclared citric acid.

LIBELED: 6-6-62, Dist. Maine.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i)(2)—the article failed to bear a label containing a statement of the common or usual name of each ingredient.

DISPOSITION: 6-26-62. Default—delivered to a charitable institution.

**28159. Glaced cherries.** (F.D.C. No. 47618. S. Nos. 44-058/60 T.)

QUANTITY: 29 30-lb. ctns. at Bristol, Pa.

SHIPPED: 4-11-62, from New London, Conn., by deRedon Food Products Corp.

LABEL IN PART: (Ctn.) "Normandy Cherries Whole and Broken \* \* \* Contains Artificial Flavor & Color 1/10 of 1% Benzoate of Soda Sulphur Dioxide Present \* \* \* Packed By The deRedon Food Products Corp. New London, Conn."

LIBELED: 5-29-62, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect parts, *Drosophila* fly eggs and maggots; and 402(a)(4)—prepared and packed under insanitary conditions; and 403(k)—benzoate of soda and sulphur dioxide, declared to be present in the article, were chemical preservatives, and the label of the article failed to state that fact.

DISPOSITION: 7-11-62. Default—destruction.

### JELLY

**28160. Blackberry jelly.** (F.D.C. No. 47295. S. No. 17-488 T.)

QUANTITY: 46 cases, 12 jars each, at Portsmouth, Ohio.

SHIPPED: 1-31-62, 2-23-62, and 3-21-62, from Nashville, Tenn., by American Syrup & Preserving Co.

LABEL IN PART: (Case) "2B6 Delited Blackberry Jelly 12-18 Oz. Net Wt. Delited Food Division American Syrup & Preserving Co., Nashville, Tennessee" and (jar) "Pure Wild Blackberry Jelly by Delited Foods, Nashville, Tenn. \* \* \* Net Wt. 1 lb. 2 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-12-62, S. Dist. Ohio.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 6-7-62. Default—delivered to a public institution.



**28161. Raspberry and blackberry jelly, and raspberry, wild cherry, and strawberry Jel-Spread.** (F.D.C. No. 46027. S. No. 5-840/4 R.)

INFORMATION FILED: 11-9-61, S. Dist. W. Va., against Marvin Watkins, Huntington, W. Va.

SHIPPED: 2-6-61, from West Virginia to Kentucky.

LABEL IN PART: (Jar) "14 Oz. Watkins 14 Oz. Pure Raspberry [or "Blackberry"] Homemade Jelly Prepared by Watkins Canning Company, Inc. 1136 25th St. Huntington, W. Va."; (jar) "Watkins Home Style Raspberry [or "Wild Cherry" or "Strawberry"] Jel-Spread Ingredients Sugar Syrup, True Fruit Flavoring, Pectin Citric Acid, Artificial Coloring Prepared by Watkins Canning Company, Inc. \* \* \* Net Wt. 1 lb. 3 oz. or More."

CHARGE: 403(g) (1)—when shipped, the article failed to conform to the definition and standard of identity prescribed for raspberry, blackberry, cherry, or strawberry jelly, in that it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the optional saccharin ingredients.

PLEA: Guilty.

DISPOSITION: 12-1-61. Probation for 1 year.

#### VEGETABLES AND VEGETABLE PRODUCTS\*

**28162. Dried beans.** (F.D.C. No. 46807. S. No. 7-101 T.)

QUANTITY: 23 110-lb. bags at New Bedford, Mass.

SHIPPED: 8-7-58, from Lisbon, Portugal.

LIBELED: 12-18-61, Dist. Mass.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 1-26-62. Default—destruction.

**28163. Dried red beans, flour, rice, dried peas, dried pinto beans, and barley.** (F.D.C. No. 47144. S. Nos. 928/933 T.)

QUANTITY: 102 100-lb. bags of red beans; 5 100-lb. bags of flour; 29 100-lb. bags of rice; 10 100-lb. bags of peas; 42 100-lb. bags of pinto beans; and 7 100-lb. bags of barley, at Augusta, Ga., in possession of Castleberry's Food Co., Inc.

SHIPPED: Between 9-9-61 and 11-3-61, from Kansas City, Mo., Birmingham, Ala., Houston, Tex., and Cedar Rapids, Iowa.

LIBELED: 2-21-62, S. Dist. Ga.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 4-9-62 and 4-10-62. Default—delivered to a public or charitable institution for use as animal feed.

**28164. Dried navy beans.** (F.D.C. No. 46774. S. Nos. 757/8 T.)

QUANTITY: 235 cases, 12 2-lb. bags each at Greenville, S.C.

SHIPPED: 2-10-58 and 8-14-61, from Salina, Kans.

LIBELED: On or about 12-12-61, W. Dist. S.C.

CHARGE: 402(a) (3)—contained insects, insect larvae, and insect parts while held for sale.

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\* See also No. 28112.

DISPOSITION: 5-16-62. Default—destruction.

**28165. Dried lima beans.** (F.D.C. No. 47232. S. No. 29-397 T.)

QUANTITY: 191 100-lb. bags at North Kansas City, Mo.

SHIPPED: 1-22-62, from Robbins, Calif., by Collins & Story.

RESULTS OF INVESTIGATION: Inspection of Collins & Story showed that the article was stored under insanitary conditions in rodent-contaminated bags.

LIBELED: 3-7-62, W. Dist. Mo

CHARGE: 402(a) (3)—contained rodent urine when shipped; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 4-18-62. Consent—claimed by Aileen Quirk & Sons, North Kansas City, Mo. Segregated: 74 100-lb. bags destroyed.

**28166. Dried navy beans.** (F.D.C. No. 47007. S. No. 15-472 T.)

QUANTITY: 26 100-lb. bags at Indianapolis, Ind., in possession of Rolling Mills, Inc.

SHIPPED: 12-7-59 and 3-2-61, from Saginaw, Mich.

RESULTS OF INVESTIGATION: Examination showed that the bags were contaminated with bird excreta.

LIBELED: On or about 2-9-62, S. Dist. Ind.

CHARGE: 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-21-62. Default—destruction.

**28167. Dried yellow-eyed beans.** (F.D.C. No. 47161. S. No. 7-612 T.)

QUANTITY: 8 100-lb. bags at Boston, Mass.

SHIPPED: 11-15-60, from Port Huron, Mich.

LIBELED: 2-21-62, Dist. Mass.

CHARGE: 402(a) (3)—contained rodent urine while held for sale.

DISPOSITION: 3-29-62. Default—delivered to a public institution.

**28168. Dried soybeans.** (F.D.C. No. 46801. S. Nos. 4-701/3 T.)

QUANTITY: 307,800 lbs. at Norfolk, Va.

SHIPPED: 11-13-61, from Bishops Cross, N.C., by A. D. Swindell & Co.

LIBELED: 12-22-61, E. Dist. Va.

CHARGE: 402(a) (2) (B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, thiram, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on soybeans has been prescribed by regulations.

DISPOSITION: 1-2-62. Consent—claimed by A. D. Swindell & Co., and converted into seed stock.

**28169. Potato chips.** (F.D.C. No. 46255. S. No. 96-473 R.)

QUANTITY: 142 cases, 24 bags each, at Wildwood, N.J.

SHIPPED: 7-13-61 and 7-24-61, from York, Pa., by Bon Ton Foods, Inc.

LABEL IN PART: (Bag) "Bon Ton Delicious Saratoga Potato Chips \* \* \* Net Wt. 1¼ Oz. \* \* \* Bon Ton Foods Inc. York, Pa. Washington, D.C."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.



**LIBELED:** 8-16-61, Dist. N.J.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 9-26-61. Default—delivered to a charitable institution.

**28170. Potato chips.** (F.D.C. No. 45863. S. No. 57-520 R.)

**QUANTITY:** 26 cases, 8 pkgs. each, at Ketchikan, Alaska.

**SHIPPED:** 6-29-61, from Seattle, Wash., by Frito Co.

**LABEL IN PART:** (Pkg.) "Williams Potato Chips \* \* \* Net Wt. 11¼ Ozs."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 7-13-61, Dist. Alaska.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 11-28-61. Default—delivered to a charitable institution.

## NUTS

**28171. Unshelled brazil nuts.** (F.D.C. No. 46735. S. No. 39-228 T.)

**QUANTITY:** 275 110-lb. bags at Jersey City, N.J.

**SHIPPED:** 9-21-61, from Bolivia.

**LIBELED:** 11-21-61, Dist. N.J.

**CHARGE:** 402(a)(3)—contained moldy and otherwise decomposed nuts while held for sale.

**DISPOSITION:** 2-13-62. Consent—claimed by Sun Crown Food Corp., San Francisco, Calif. Segregated; 87 bags destroyed.

**28172. Unshelled brazil nuts.** (F.D.C. No. 46535. S. No. 23-025 T.)

**QUANTITY:** 298 cases, 24 bags each, at Denver, Colo.

**SHIPPED:** 11-3-61, from Dallas, Tex., by Hines Nut Co.

**LABEL IN PART:** (Bag) "Triple HHH Brand Brazil Nuts Net Wt. 1 Lb. Shells artificially colored packed by Hines Nut Company, Dallas, Texas."

**LIBELED:** 11-14-61, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insect-infested nuts, rancid, and moldy nuts, and empty shells when shipped.

**DISPOSITION:** 1-15-61. Consent—claimed by Hines Nut Co. Segregated; 438½ lbs. destroyed.

**28173. Cashew nuts.** (F.D.C. No. 46488. S. No. 39-289 T.)

**QUANTITY:** 196 cases, 2 25-lb. cans each, at New York, N.Y.

**SHIPPED:** 7-31-61, from Quilon, South India, by Kerala Cashew Industry (M. Abdul).

**LABEL IN PART:** (Case) "Packed by M. Abdul Rahiman & Sons Quilon S. India Product of India \* \* \* Blanched Cashew Kernels Net 50 Lbs." (can) "Cashew Kernels Product of India Net Weight 25 Lbs."

**LIBELED:** 10-9-61, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 11-15-61. Consent—claimed by American Pistachio Corp., New York, N.Y. Segregated; 4 drums destroyed.

**28174. Chestnuts.** (F.D.C. No. 46832. S. No. 15-816 T.)

QUANTITY: 182 35-lb. bags at Cincinnati, Ohio.

SHIPPED: 11-8-61 and 11-13-61, from New York, N.Y., by H. Schnell & Co.

LABEL IN PART: (Bag) "Antolini & Co., N.Y. Chestnuts Sterilized Product of Italy New York USA \* \* \* Cert. No. 125118."

LIBELED: 12-4-61, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained insect-infested chestnuts and decomposed chestnuts when shipped.

DISPOSITION: 12-14-61. Consent—claimed by Sanzone Palmisano & Co., Cincinnati, Ohio. Segregated; 1,000 lbs. destroyed.

**28175. Shelled pecans.** (F.D.C. No. 40771. S. No. 70-016 M.)

QUANTITY: 53 30-lb. boxes at Harrisburg, Pa.

SHIPPED: 7-9-57, from Albany, Ga.

LIBELED: 10-4-57, M. Dist. Pa.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 11-5-57. Default—destruction.

**28176. Shelled peanuts.** (F.D.C. No. 44672. S. No. 36-953 R.)

QUANTITY: 56 100-lb. bags at Souderton, Pa.

SHIPPED: 12-31-59, from Suffolk, Va.

LIBELED: 6-21-60, E. Dist. Pa.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 8-3-60. Default—destruction.

**28177. Shelled peanuts.** (F.D.C. No. 46090. S. No. 69-429 R.)

QUANTITY: 560 125-lb. bags at Chicago, Ill.

SHIPPED: 5-19-61, from Clayton, Ala., by Robertson Peanut Co.

LABEL IN PART: (Bag) "Runner /W Split Gross Wt. 125 Lbs. Robertson Peanut Co."

LIBELED: 7-19-61, N. Dist. Ill.

CHARGE: 402(a) (3)—when shipped, contained insects and insect fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-22-61. Consent—claimed by Homer G. Gray, Moultrie, Ga. Segregated; 845 lbs. destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**28178. Horehound herbs.** (F.D.C. No. 44089. S. No. 79-924 P.)

QUANTITY: 9 100-lb. bales at Detroit, Mich., in possession of Dorf Products.

SHIPPED: 11-13-59, from Lyndhurst, N.J.

LIBELED: 3-17-60, E. Dist. Mich.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 1-3-61. Consent—claimed by Dorf Products. Segregated; 18 lbs. destroyed.

**28179. Black pepper.** (F.D.C. No. 45858. S. No. 84-964 R.)

QUANTITY: 35 cases, 24 cans each, at Springfield, Mo.



SHIPPED: 11-4-60 and 1-28-61, from New York, N.Y., by Food Trading Corp. of America.

LABEL IN PART: (Can) "Net Wt. 4 Ozs. Maison Royal Pure Ground Black Pepper \* \* \* Food Trading Corp. of America New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-3-61, W. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-23-61. Default—delivered to a public institution.

**28180. White pepper.** (F.D.C. No. 46234. S. No. 91-736 R.)

QUANTITY: 17 cases, 12 tins each, at Bronx, N.Y.

SHIPPED: 6-29-61, from Baltimore, Md., by McCormick & Co., Inc.

LABEL IN PART: (Tin) "McCormick Ground White Pepper 1½ Ozs. Net Wt. \* \* \* McCormick & Co., Inc., Baltimore, Md."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 8-8-61, S. Dist. N.Y.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-30-61; amended decree 10-23-61. Default—delivered to a public institution.

**28181. Vanilla.** (F.D.C. No. 45930. S. Nos. 57-212/13 R.)

QUANTITY: 3 8-lb. btls. and 1 2-lb. btl.; and 3 8-lb. btls. and 1 1-lb. btl., at New York, N.Y.

SHIPPED: (3 8-lb. and 1 2-lb. btl. lot) 2-21-61, from Cincinnati, Ohio, by Fries & Fries; (3 8-lb. and 1 1-lb. btl. lot) 3-28-61, from Union City, N.J., by Reynaud, Ltd.

LABEL IN PART: (Btl.) "\* \* \* Olea Resin Vanilla #2133 Contains the extractive matter of vanilla beans and glycerine 61162 8 lbs. Net \* \* \* Fries & Fries Inc. Cincinnati \* \* \* 110 E 70th Street \* \* \* 418 E 91st Street, New York 28, N.Y." (btl.) "Reynaud, Ltd. 900-910 21st Street, Union City, New Jersey \* \* \* Oleoresin Vanilla 6 Oz. strength TK-485-A B-1-26-61."

LIBELED: 6-13-61, S. Dist. N.Y.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, vanilla extractives, had been in part omitted or abstracted from the article; 402(b)(2)—when shipped, substances other than true vanilla extractives had been substituted for true vanilla extractives; 402(b)(4)—substances other than true vanilla extractives had been added, or mixed or packed, with the article so as to make it appear better or of greater value than it was; and 403(a)—when shipped, the label statements "Olea Resin Vanilla" were false and misleading as applied to the articles containing little or no true vanilla extractives.

DISPOSITION: 9-15-61. Default—destruction.

**28182. Vinegar.** (F.D.C. No. 46245. S. No. 93-981 R.)

QUANTITY: 88 cases, 12 jars each, at Atlanta, Ga.

SHIPPED: 7-13-61, from Memphis, Tenn., by Burgie Foods Co., Inc.

LABEL IN PART: (Jar) "Gold Dollar Brand Colored Distilled Vinegar Burgie Foods Co., Memphis, Tenn. 1 Quart Liquid."

RESULTS OF INVESTIGATION: Examination showed that the article was short in volume.

LIBELED: 8-10-61, N. Dist. Ga.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-19-61. Default—delivered to a Federal institution.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

28183. Protectomine tablets. (F.D.C. No. 46198. S. No. 55-876 R.)

QUANTITY: 33 30-tablet btls. and 14 60-tablet btls. at Seattle, Wash.

SHIPPED: Prior to or on or about 2-18-59, from Yonkers, N.Y.

LABEL IN PART: (Btl.) "30 [or "60"] Tablets \* \* \* Protectomine High Potencies of all the needed Vitamins with Minerals & Other Factors. Contains: \* \* \* 2 Protectomine tablets supply \* \* \* Folic Acid 1.0 mg. \* \* \* Take 2 Protectomines daily."

LIBELED: 7-27-61, W. Dist. Wash.

CHARGE: 402(a) (2) (C)—while held for sale, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of 409, since it and its use or intended use was not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 12-20-61. Consent—destruction.

28184. Vitadine. (F.D.C. No. 47023. S. No. 33-826 T.)

QUANTITY: 16 100-lb. bags at Watertown, S. Dak.

SHIPPED: 7-17-61 and 10-30-61, from Des Moines, Iowa.

RESULTS OF INVESTIGATION: Analysis showed that the article contained about 60 percent of the declared amount of vitamin A.

LIBELED: 2-12-62, Dist. S. Dak.

CHARGE: 402(b) (1)—while held for sale, the valuable constituent, vitamin A, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin A Not Less Than 15,000 USP Units Per Lb." was false and misleading.

DISPOSITION: 3-15-62. Default—delivered to a public institution to be used as animal feed.

28185. Meadow Gold Liquid Weight Control Formula 900. (F.D.C. No. 46891. S. Nos. 27-048/9 T, 27-084/5 T.)

QUANTITY: 1,489 cases, 12 cans each, chocolate flavor, and 665 cases, 12 cans each, vanilla flavor, at Lincoln, Nebr.

SHIPPED: 10-6-61, from Menomonie, Wis., by Sanna Dairies, Inc.

LABEL IN PART: (Can) "Contents 8 Fl. Oz. Meadow Gold Chocolate [or "Vanilla"] Flavored Dietary Liquid Weight Control Formula 900 Four Cans Supplies 900 Calories \* \* \* Distributed by Beatrice Foods Co. \* \* \* Chicago, Ill."



RESULTS OF INVESTIGATION: Examination showed that the article was short in volume.

LIBELED: 1-3-62, Dist. Nebr.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-19-62. Consent—destruction.

**28186. Thiamine hydrochloride tablets.** (F.D.C. No. 47392. S. No. 9-598 T.)

QUANTITY: 1 drum, containing 20,000 tablets, at Warren, Pa.

SHIPPED: 1-10-56, from Bryan, Ohio.

LABELED IN PART: (Drum) "Amount 26,000 \* \* \* RX #9905—B-50 Each S.C.T. contains: Thiamine Hydrochloride 50 mg. Yeast, Dried 0.25 Gm. For Thiamine Deficiency."

RESULTS OF INVESTIGATION: Examination showed that the article contained about 50 percent of the labeled amount of thiamine hydrochloride.

LIBELED: 3-15-62, W. Dist. Pa.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, thiamine hydrochloride, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Thiamine Hydrochloride 50 mg." was false and misleading, as applied to a product containing less than the declared amount of thiamine hydrochloride.

DISPOSITION: 4-10-62. Default—destruction.

**28187. Beplemin capsules and Multiplemin capsules.** (F.D.C. No. 47375. S. Nos. 7-384/5 T.)

QUANTITY: 6 ctns., 12 100-capsule btls. each, of Beplemin; and 4 ctns., 12 100-capsule btls. each, of Multiplemin, at Hartford, Conn.

SHIPPED: Prior to 1-2-60, (Beplemin) by Park Drug Co., from New York, N.Y., and (Multiplemin) by a firm at Worcester, Mass.

LABEL IN PART: (Btl.) "Beplemin B Complex with B<sub>12</sub> \* \* \* Distributors Neland Pharmaceutical Inc. Hartford, Conn. \* \* \* Each capsule represents Vitamin A 5000 USP units"; (btl.) "100 CAPSULES MULTIPLEMIN No. 640 Each Capsule Containing: \* \* \* Folic Acid 0.5 mg. \* \* \* Dosage: One to three capsules daily."

RESULTS OF INVESTIGATION: Examination of the article, Beplemin, showed that it contains about 75 percent of the declared amount of vitamin A.

LIBELED: 3-16-62, Dist. Conn.

CHARGE: (Beplemin) 402(b)(1)—while held for sale, the valuable constituent, vitamin A, had been in part omitted or abstracted from the article; 403(a)—the label statement "Vitamin A 5000 USP units" was false and misleading as applied to a product containing less than the declared amount of vitamin A; and 403(a)—when shipped, the label statements representing and suggesting that the article would increase body enzyme action, were false and misleading since they were contrary to fact.

(Multiplemin) 402(a)(2)(C)—while held for sale, the article contained a food additive, folic acid, which was unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 5-23-62. Default—destruction.

**28188. Mulvision Aqueous Vitamin Solution.** (F.D.C. No. 46982. S. No. 28-225 T.)

QUANTITY: 54 60-cc. btls. at Des Moines, Iowa.

SHIPPED: 1-13-59, from Maplewood, Mo.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than 50 percent of the declared amount of vitamin A.

LIBELED: 1-16-62, S. Dist. Iowa.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin A, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Each 0.6 cc. contains \* \* \* Vitamin A 5000 Units" was false and misleading.

DISPOSITION: 3-12-62. Default—destruction.

**28189. Vitamin capsules and mineral capsules.** (F.D.C. No. 47257. S. No. 24-063 T.)

QUANTITY: 2 drums containing a total of 55,000 capsules, at Parma, Ohio.

SHIPPED: 10-27-61, from Detroit, Mich.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 82 percent ascorbic acid and 75 percent niacinamide of the declared amounts.

LIBELED: 3-27-62, N. Dist. Ohio.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, namely, ascorbic acid and niacinamide, had been in part omitted or abstracted from the article; and 403(a)—the label statements "Each capsule contains \* \* \* ascorbic Acid 75 mg. Niacinamide USP 50 mg." were false and misleading.

DISPOSITION: 5-8-62. Default—destruction.

**28190. Nutrifax Multi-Vitamin tablets.** (F.D.C. No. 47040. S. No. 47-547 T.)

QUANTITY: 9 cases, 12 180-tablet btls. each, at St. Louis, Mo.

SHIPPED: 12-22-61, from Los Angeles, Calif., by Wm. T. Thompson Co.

LABEL IN PART: (Btl.) "Thompson's Extra High Potency Nutrifax Multi-Vitamin Tablets Manufactured by Wm. T. Thompson Co. Los Angeles-St. Louis Dosage: 2 Tablets Three Times Per Day as a Dietary Supplement will Supply \* \* \* Folic Acid 1.2 mg."

LIBELED: 2-15-62, E. Dist. Mo.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 4-4-62. Consent—claimed by Wm. T. Thompson Co. Segregated; 15 bottles destroyed.

**28191. Drag-Not Mineral tablets.** (F.D.C. No. 47024. S. No. 29-482 T.)

QUANTITY: 35 35-tablet btls. and 11 100-tablet btls., at Dubuque, Iowa.

SHIPPED: 11-25-60, from St. Louis, Mo., by Reed Products Co.

LABEL IN PART: (Btl.) "High Potency Drag-Not Mineral Tablets With Multi-Vitamins and Blood-Producing Substances \* \* \* A Dietary Supplement and Adjunct in treatment of Anemias Dosage: 1 to 3 tablets 3 times daily \* \* \* Folic Acid 2.5 mg. \* \* \* Packed only by Reed Products Co., St. Louis 7, Mo."



**LIBELED:** 2-10-62, N. Dist. Iowa.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

**DISPOSITION:** 3-15-62. Default—destruction.

**28192. Pen-Tone Vitamin Tonic.** (F.D.C. No. 47417. S. No. 43-689 T.)

**QUANTITY:** 44 cases, each containing 12 btls., at Philadelphia, Pa.

**SHIPPED:** In 1959, from New York, N.Y., by Biopharma, Inc.

**LABEL IN PART:** (Btl.) "Twelve Fluid Ounces Pen-Tone High Potency Vitamin Tonic Contains Vitamins B-12, B-1, B-2, Nicotinamide, B-6, Panthenol and Folic Acid Plus Iron \* \* \* Distributed by Penhurst Pharmacal Co. Distributors, Phila. Pa. Each Fluid Ounce (2 tablespoonfuls) contains: \* \* \* Folic Acid 1 mg. Dosage: \* \* \* Adults: Two Tablespoonfuls daily."

**LIBELED:** 3-27-62, E. Dist. Pa.

**CHARGE:** 402(a)(2)(C)—while held for sale, the article contained folic acid, a food additive, which is unsafe within the meaning of 409, since it and its use or intended use was not in conformity with a regulation or exemption in effect pursuant to 409; and 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for niacinamide (nicotinamide) supplied by such food when consumed in a specified quantity during a period of one day.

**DISPOSITION:** 5-2-62. Default—destruction.

**28193. Candee-Vite tablets.** (F.D.C. No. 47452. S. No. 4-739 T.)

**QUANTITY:** 476 50-tablet btls. at Norfolk, Va.

**SHIPPED:** 4-30-58, from Long Island City, N.Y.

**LABEL IN PART:** (Btl.) "Candee-Vite \* \* \* Each Tablet Contains: Vitamin A Acetate—2500 Units \* \* \* Ascorbic Acid—30 mgm. \* \* \* Control Number 34096 Rx Products Co., Inc., Norfolk, Virginia Distributors."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately 28 percent of the declared amount of vitamin A acetate and approximately 66 percent of the declared amount of ascorbic acid.

**LIBELED:** 4-13-62, E. Dist. Va.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituents, namely, vitamin A acetate and ascorbic acid, had been wholly or in part omitted or abstracted from the article; and 403(a)—the label statement "Each Tablet Contains: Vitamin A acetate 2500 Units \* \* \* Ascorbic Acid 30 mgm." was false and misleading.

**DISPOSITION:** 5-14-62. Default—destruction.

**28194. Calvitran capsules.** (F.D.C. No. 47031. S. No. 17-352 T.)

**QUANTITY:** 6 cases, 48 btls. each, at Chattanooga, Tenn.

**SHIPPED:** 5-13-59, from Long Island City, N.Y.

**LABEL IN PART:** (Btl.) "Calvitran Phosphorous Free A Vitamin and Mineral Supplement For Use in Prenatal care and Lactation. Each Captab Contains \* \* \* Folic Acid 1 mg."

**LIBELED:** 2-12-62, E. Dist. Tenn.

**CHARGE:** 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

**DISPOSITION:** 4-19-62. Default—destruction.

**28195. Liver, iron, and folic acid capsules.** (F.D.C. No. 45728. S. No. 64-433 R.)

**QUANTITY:** 117 100-capsule btls. at San Francisco, Calif.

**SHIPPED:** Between April 1960 and July 1960, from St. Louis, Mo., by Rexall Drug & Chemical Co.

**LABEL IN PART:** "Sears Approved \* \* \* Improved Liver, Iron, Folic Acid, Vitamins B<sub>12</sub> and C Formula with Vitamins A, D and E added a dietary supplement fortified with elements to aid red blood cell formation, plus valuable Vitamin C. Each capsule supplies 250 mg. of liver, rich source of B-complex factors, plus valuable Vitamin B<sub>12</sub>. Contents: \* \* \* Each Capsule Contains: \* \* \* Folic Acid U.S.P. 2 mg. \* \* \* Vitamin E \* \* \* 2 I.U.\*\* \* \* \* The liver in this product is a source of other members of the B-Complex. \* \* \* \*\* The need for this substance in human nutrition has not been established. \* \* \* Distributed by Sears, Roebuck and Co., Chicago."

**LIBELED:** 4-18-61, N. Dist. Calif.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained folic acid, a food additive, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409; 403(a)—the label statement "a dietary supplement fortified with elements to aid red blood cell formation," was false and misleading, since the article was not adequate and effective for such purpose; 403(a)—the label statements "Each capsule supplies 250 mg. of liver, rich source of B-complex factors" and "The liver in this product is a source of other members of the B-Complex" were false and misleading, since the article contained an insignificant amount of liver for special dietary use; and 403(a)—the label statement "Vitamin E \* \* \* The need for this substance in human nutrition has not been established" was false and misleading since it was contrary to fact.

**DISPOSITION:** 1-10-62. Default—destruction.

**28196. Coconut (dietary) and cake icing.** (F.D.C. No. 46907. S. Nos. 30-212 T, 30-215 T, 30-258 T.)

**QUANTITY:** 3 100-lb. bags and 26 cases, 10 6-oz. bags each, of coconut; and 213 cases, 40 cards of 4 tubes each, of cake icing, at Los Angeles, Calif., in possession of Service Foods.

**SHIPPED:** (Coconut) 7-28-61, from Manila, P.I.; and (cake icing) 9-18-61, from London, England.

**LABEL IN PART:** (Bag) "\* \* \* Imported from Xamboanga \* \* \* COCONUT DIETETIC Minimum Net Wt. 6 Oz. \* \* \* Service Foods—Los Angeles 18, Calif." (card) "BUTTER CREAM STYLE CAKE ICINGS Simply Snip end Off Tip and Squeeze Gently To Decorate or Write on Cake Ingredients: \* \* \* Veg. Fat. \* \* \* Net Wt. 1 Oz. Happy House, Los Angeles 18. California—Product of England."



**RESULTS OF INVESTIGATION:** The coconut was repacked by the dealer into the 6-oz. bags described above, and the cake icing in the tubes was attached to the above-mentioned cards by the dealer.

**LIBELED:** 1-15-62, S. Dist. Calif.

**CHARGE:** (Cake icing) 403(a)—the label statement "Butter Cream Style Cake Icings" was false and misleading as applied to an article containing vegetable fat in lieu of butter or cream; and (coconut) 403(j)—while held for sale, the article purported to be and was represented as a food for special dietary uses and its label failed to bear a statement of the dietary properties upon which such use was based in whole or in part.

**DISPOSITION:** 2-12-61. Consent—claimed by Service Foods; coconut denatured and cake icing relabeled.

**28197. Teething pretzels (dietary).** (F.D.C. No. 47213. S. No. 14-359 T.)

**QUANTITY:** 999 cases, 12 pkgs. each, at Chicago, Ill.

**SHIPPED:** 2-1-62, from Reading, Pa., by Quinlan Pretzel Co.

**LABEL IN PART:** (Pkg.) "Quinlan's Teething Pretzels Net Wt. 5 Ozs. with iron, vitamins and wheat germ Ingredients: Selected Flour, Vegetable Shortening, \* \* \* Enriched with Thiamine Hydrochloride Riboflavin, Niacin and Iron \* \* \* Quinlan Pretzel Co. Reading, Penna."

**LIBELED:** 3-7-62, N. Dist. Ill.

**CHARGE:** 403(a)—when shipped, the label statement "Build strong teeth" was false and misleading, since it was contrary to fact; and 403(j)—the article purported to be and was represented for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement of thiamine hydrochloride, riboflavin, niacin, and iron supplied by such food when consumed in a specified quantity during a period of one day, and its label also failed to bear a statement of the specific plant or animal which was the source of the ingredients "selected flour" and "vegetable shortening."

**DISPOSITION:** 3-28-62. Consent—delivered to a charitable institution.

**28198. Soyalac (dried baby food).** (F.D.C. No. 47410. S. No. 16-599 T.)

**QUANTITY:** 10 cases, each containing 12 cans, at Louisville, Ky.

**SHIPPED:** 2-22-62, from Mount Vernon, Ohio, by Loma Linda Food Co.

**LABEL IN PART:** (Can) "Loma Linda Soyalac A Spray Dried Hypoallergenic Food for Infants Children Adults Net Wt. 1 Lb. Ingredients: Soybean Solids \* \* \* Ferrous Sulphate. Manufactured by Loma Linda Food Company, Mt. Vernon, Ohio Arlington, California \* \* \* Soyalac has physical Characteristics similar to human milk \* \* \* Calories per fluid ounce . . . 20 \* \* \* Directions: 1. For each 2 oz. ( $\frac{1}{4}$  cup) of previously boiled cold or warm water placed in a shaker or mixer, add 1 measureful of Soyalac Powder (using measure in can) and mix. \* \* \*" (Cans coded on bottom "5 11 61").

**LIBELED:** 3-22-62, W. Dist. Ky.

**CHARGE:** 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use for infants, as a complete or partial substitute for human milk, and as a hypoallergenic food, and its label failed to bear, as required by regulations, a statement of the number of U.S.P. units of vitamins A, C, and D, supplied by a specified quantity of such food; and a statement that additional quantities of vitamin C should be supplied from other

sources; and a statement of the quantity or proportion of each ingredient in such food.

DISPOSITION: 5-23-62. Default—destruction.

MISCELLANEOUS FOODS

28199. Cheese enchiladas. (F.D.C. No. 47500. S. No. 57-287 T.)

QUANTITY: 78 cases, 12 12-oz. pkgs. each, at San Antonio, Tex.

SHIPPED: 4-10-62, from San Antonio, Tex., to Oklahoma City, Okla., and returned to San Antonio, Tex., on 5-9-62, by Patio Foods, Inc.

LABEL IN PART: (Pkg.) "Patio 2 Large Cheese Enchiladas With Meatless Chili Gravy \* \* \* Ingredients: \* \* \* Patio Foods, Inc. San Antonio, Texas."

LIBELED: 5-22-62, W. Dist. Tex.

CHARGE: 402(a)(3)—contained cockroach and other insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-2-62. Default—destruction.

28200. Edible gelatin. (F.D.C. No. 46857. S. No. 48-224 T.)

QUANTITY: 92 50-lb. bags at San Francisco, Calif.

SHIPPED: 7-12-61, from Sydney, Australia.

RESULTS OF INVESTIGATION: Examination showed that the article contained gelatin liquifiers, an organism whose presence indicated the article was decomposed.

LIBELED: 12-21-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-19-62. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 28101 TO 28200

PRODUCTS

	N.J. No.		N.J. No.
Apple turnovers, frozen	<sup>1</sup> 28104	Calvitran capsules	28194
Bakery products	28101-28107	Candee-Vite tablets	28193
Barley	28163	Cara-Ry wafers	28105
Beans, dried	28162	Cashew nuts	28173
Great Northern, dried	28112	Cereals and cereal products	28101-28141
lima, dried	28165	Cheese	28143-28147
navy, dried	28112, 28164, 28166	enchiladas	28199
pinto, dried	28112	spread, cold pack	28143
red, dried	28163	Gruyere process	28145
yellow-eyed, dried	28167	swiss	28146
Beplemín capsules	28187	grated	28147
Biscuits	28101	Cherries, glazed	28159
Blackberry jelly	28160, 28161	maraschino	28158
Black-eyed peas, dried	28149	Cherry turnovers, frozen	<sup>1</sup> 28104
Brazil nuts, unshelled	28171, 28172	Chestnuts	28174
Bulgur (wheat cereal)	28136	Coconut (dietary)	28196
Butter	28142	Cookies	28102
Cake icing	28196	Cornmeal mix	28111

<sup>1</sup> (28104) Seizure contested.



	N.J. No.		N.J. No.
Crabmeat, fresh	28150	Peanuts, shelled	28176, 28177
Dairy products	28142-28149	Peas, dried	28163
Drag-Not Mineral tablets	28191	black-eyed, dried	28149
Enchiladas, cheese	28199	Pecans, shelled	28175
Evaporated milk	28148, 28149	Pen-Tone Vitamin Tonic	28192
Fatback	28111	Pepper, black	28179
Fish and shellfish	28150-28154	white	28180
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Pinto beans, dried	28112, 28163
Flour	28108-28116, 28163	Popcorn, unpopped	28137
Fruits and vegetables	28155-28170	Potato chips	28169, 28170
fruit, canned	28155-28159	Pretzels, teething (dietary)	28197
jelly	28160, 28161	Protectomine tablets	28183
vegetables and vegetable prod- ucts	28162-28170	Puffed rice	28138
Gelatin, edible	28200	wheat	28138, 28139
Glaced cherries	28159	Raspberry jelly	28161
Great Northern beans, dried	28112	Jel-Spread	28161
Grits, hominy	28118	Rice	28117-28120, 28163
Herbs, horehound	28178	puffed	28138
Hol-Ry wafers	28106	Shellfish. <i>See</i> Fish and shellfish.	
Hominy grits	28118	Shrimp cocktail	28153
Horehound herbs	28178	breaded, frozen	28154
Jelly, blackberry	28160, 28161	Soyalac (dried baby food)	28198
raspberry	28161	Soybeans, dried	28168
Jel-Spread, raspberry	28161	Spices, flavors, and seasoning materials	28178-28182
strawberry	28161	Strawberry Jel-Spread	28161
wild cherry	28161	Thiamine hydrochloride tablets	28186
Lima beans, dried	28165	Tuna, canned	28151, 28152
Liver, iron, and folic acid cap- sules	28195	Turnovers, apple, frozen <sup>1</sup>	28104
Maraschino cherries	28158	cherry, frozen <sup>1</sup>	28104
Marshmallow pies (cookies)	28103	Vanilla	28181
Meadow Gold Liquid Weight Con- trol Formula 900	28185	wafers	28107
Milk, evaporated	28148, 28149	Vegetables. <i>See</i> Fruits and vege- tables.	
Milo grain	28140	Vinegar	28182
maize	28141	Vitadine	28184
Mix, cornmeal	28111	Vitamin, mineral, and other prod- ucts of special dietary signifi- cance	28183-28200
Multiplemin capsules	28187	Wafers, Cara-Ry	28105
Mulvision Aqueous Vitamin Solu- tion	28188	Hol-Ry	28106
Navy beans, dried	28112, 28164, 28166	vanilla	28107
Nutrifax Multi-Vitamin tablets	28190	Wheat	28121-28135
Nuts	28171-28177	puffed	28138, 28139
Peaches, canned	28155-28157	Wild cherry Jel-Spread	28161
		Yellow-eyed beans, dried	28167

<sup>1</sup> (28104) Seizure contested.

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
American Food Co.:		Crossroads Canning Co.:	
canned tuna-----	28152	canned peaches-----	28155
American Foods, Inc.:		DeKalb Agricultural Association,	
biscuits -----	28101	Inc.:	
American Syrup & Preserving		milo grain-----	28140
Co.:		Delaware Avenue Mart. See	
blackberry jelly-----	28160	Sved, Sol.	
American Warehouse Co.:		Delited Foods, Div. of American	
rice -----	28117	Syrup & Preserving Co.:	
Armeno Cereal Co., Inc.:		blackberry jelly-----	28160
bulgur (wheat cereal)-----	28136	deRedon Food Products Corp.:	
Armour & Co.:		glaced cherries-----	28159
evaporated milk-----	28148	Dexter Cooperative Co.:	
Armour Creameries:		wheat -----	28121
butter -----	28142	Dorf Products:	
Atwood-Larson Co.:		horehound herbs-----	28178
wheat -----	28126	Epstein, I., & Sons, Inc.:	
Barwick, R. D.:		canned tuna-----	28151
fresh crabmeat-----	28150	Eureka Cheese Factory:	
Bateman Canning Co.:		cheese -----	28144
canned peaches-----	28156	Farmer's Elevator Co.:	
Beatrice Foods Co.:		wheat -----	28127
Meadow Gold Liquid Weight		Farmers Union Cooperative	
Control Formula 900-----	28185	Grain Co.:	
Bieber Feed & Grain Co.:		wheat -----	28129
wheat -----	28132	Farmer's Union Grain Terminal	
Biopharma, Inc.:		Association:	
Pen-Tone Vitamin Tonic-----	28192	wheat -----	28128, 28134
Bon Ton Foods, Inc.:		Food Trading Corp. of America:	
potato chips-----	28169	black pepper-----	28179
Boston & Maine Railroad Co.:		Fredonia Farmer's Cooperative	
flour -----	28115	Elevator Co.:	
Bowman Biscuit Co.:		wheat -----	28130
cookies -----	28102	Fries & Fries:	
Burgie Foods Co., Inc.:		vanilla -----	28181
vinegar -----	28182	Frito Co.:	
Calumet Cheese Co., Inc.:		potato chips-----	28170
cold pack cheese spread-----	28143	Frozen-Rite Products, Inc.:	
Capital Milk Products Co.:		frozen cherry turnovers and	
butter -----	28142	frozen apple turnovers----- <sup>1</sup>	28104
Cargill, Inc.:		Gehls Guernsey Farms:	
wheat -----	28133	evaporated milk-----	28148
Castleberry's Food Co., Inc.:		General Mills, Inc.:	
dried red beans, flour, rice,		flour -----	28114
dried peas, dried pinto beans,		General Wholesale Corp.:	
and barley-----	28163	rice and hominy grits-----	28118
Collins & Story:		Grand Trunk Railway:	
dried lima beans-----	28165	flour -----	28108

<sup>1</sup> (28104) Seizure contested.



	N.J. No.		N.J. No.
Gunner, Albert :		Paulson, E. J. :	
flour -----	28114	flour -----	28114
Havana Crabmeat Plant, Inc. :		Penhurst Pharmacal Co. :	
fresh crabmeat -----	28150	Pen-Tone Vitamin Tonic -----	28192
Higgins, R. J. :		Quaker Oats Co. :	
flour -----	28113	puffed wheat and puffed	
Hines Nut Co. :		rice -----	28138, 28139
unshelled brazil nuts -----	28172	Quinlan Pretzel Co. :	
Holmes-Swift Co. :		teething pretzels (dietary) -----	28197
maraschino cherries -----	28158	Rahiman, M. Abdul, & Sons :	
Ida Farmers Co-op. Co. :		cashew nuts -----	28173
wheat -----	28122	Redi Food Co., Inc. :	
Independent Grocers' Alliance		frozen breaded shrimp -----	28154
Distributing Co. :		Reed Products Co. :	
unpopped popcorn -----	28137	Drag-Not Mineral tablets -----	28191
Japan Food Corp. :		Rexall Drug & Chemical Co. :	
rice -----	28120	liver, iron, and folic acid cap-	
Kalenian, A. K. :		sules -----	28195
bulgur (wheat cereal) -----	28136	Reynaud, Ltd. :	
Kerala Cashew Industry (M.		vanilla -----	28181
Abdul) :		Robbins Bros. Wholesale Grocery	
cashew nuts -----	28173	Co., Inc. :	
Kitchen Products, Inc. :		flour -----	28110
biscuits -----	28101	Robert's Cookie Co. :	
Loma Linda Food Co. :		marshmallow pies (cookies) --	28103
Soyalac (dried baby food) -----	28198	Robertson Peanut Co. :	
MFA Central Cooperative :		shelled peanuts -----	28177
wheat -----	28124	Robinson Grain Co. :	
McCormick & Co., Inc. :		wheat -----	28135
white pepper -----	28180	Rolling Mills, Inc. :	
Morgan Packing Co., Inc. :		dried navy beans -----	28166
canned peaches -----	28155	Russell, F. A., Jr. :	
Neland Pharmaceutical, Inc. :		vanilla wafers -----	28107
Beplemín capsules and Multi-		Russell Corp. :	
plemin capsules -----	28187	vanilla wafers -----	28107
Nichols, Harold :		Rx Products Co., Inc. :	
frozen breaded shrimp -----	28154	Candee-Vite tablets -----	28193
Ocean Products, Inc. :		Safeway Stores, Inc. :	
shrimp cocktail -----	28153	swiss cheese -----	28146
Ontario Food Products Co. :		Sanna Dairies, Inc. :	
maraschino cherries -----	28158	Meadow Gold Liquid Weight	
Pan Pacific Fisheries, Inc. :		Control Formula 900 -----	28185
canned tuna -----	28151	Scheidt, Bruno, Inc. :	
Paoli Farmer's Cooperative Ele-		canned tuna -----	28152
vator Co. :		Schnell, H., & Co. :	
wheat -----	28131	chestnuts -----	28174
Park Drug Co. :		Sears, Roebuck & Co. :	
Beplemín capsules -----	28187	liver, iron, and folic acid cap-	
Patio Foods, Inc. :		sules -----	28195
cheese enchiladas -----	28199		

	N.J. No.		N.J. No.
Service Foods :		Thompson, Wm. T., Co. :	
coconut (dietary) and cake		Nutrifax Multi-Vitamin tab-	
icing -----	28196	lets -----	28190
Sol Sved Stall. <i>See</i> Sved, Sol.		Todd Grocery Co., Inc. :	
Standard Milling Co. :		flour, fatback, and cornmeal	
milo maize -----	28141	mix -----	28111
Stanislaus Food Products Co. :		Topco Associates, Inc. :	
canned peaches -----	28157	canned peaches -----	28157
Star Valley Swiss Cheese Co. :		Uddo & Taormina of Louisiana,	
swiss cheese -----	28146	Inc. :	
Stella Cheese Co. :		grated cheese -----	28147
grated cheese -----	28147	United Biscuit Company of Amer-	
Stevens, D. A. :		ica. <i>See</i> Supreme Bakers.	
flour -----	28114	Watkins, Marvin :	
Supreme Bakers, Div. of United		raspberry and blackberry jelly,	
Biscuit Company of America :		and raspberry, wild cherry,	
cookies -----	28102	and strawberry Jel-Spread__	28161
Sved, Sol :		Watkins Canning Co., Inc. :	
evaporated milk and black-		raspberry and blackberry jelly,	
eyed peas -----	28149	and raspberry, wild cherry,	
Swindell & Co. :		and strawberry Jel-Spread__	28161
soybeans -----	28168	Watson-Higgins Milling Co. :	
Tea Table Mills, Inc. :		flour -----	28113
unpopped popcorn -----	28137	Weigand, Harry :	
Thiemann, Robert :		wheat -----	28123
flour, dried Great Northern		Zahl's Elevator :	
beans, dried navy beans, and		wheat -----	28125
dried pinto beans -----	28112	Zinsmaster Hol-Ry Co., Inc. :	
Thiemann Bros., Inc. :		Cara-Ry wafers -----	28105
flour, dried Great Northern		Hol-Ry wafers -----	28106
beans, dried navy beans, and			
dried pinto beans -----	28112		

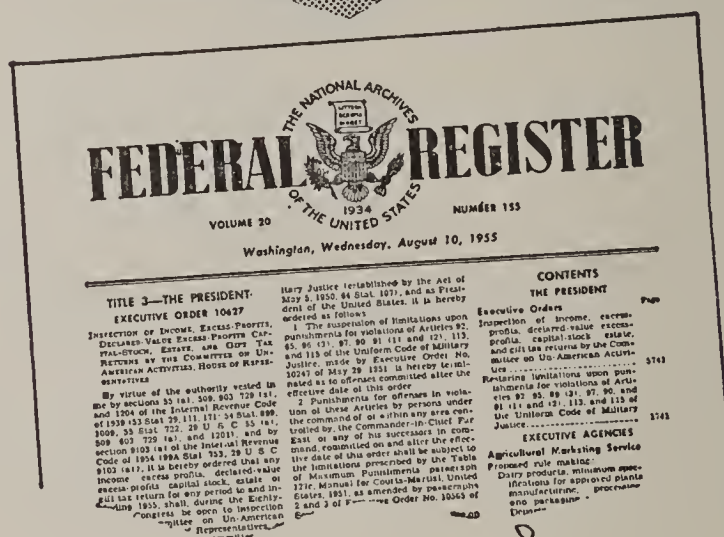
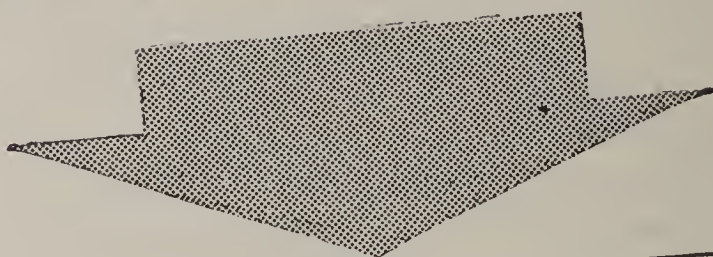




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